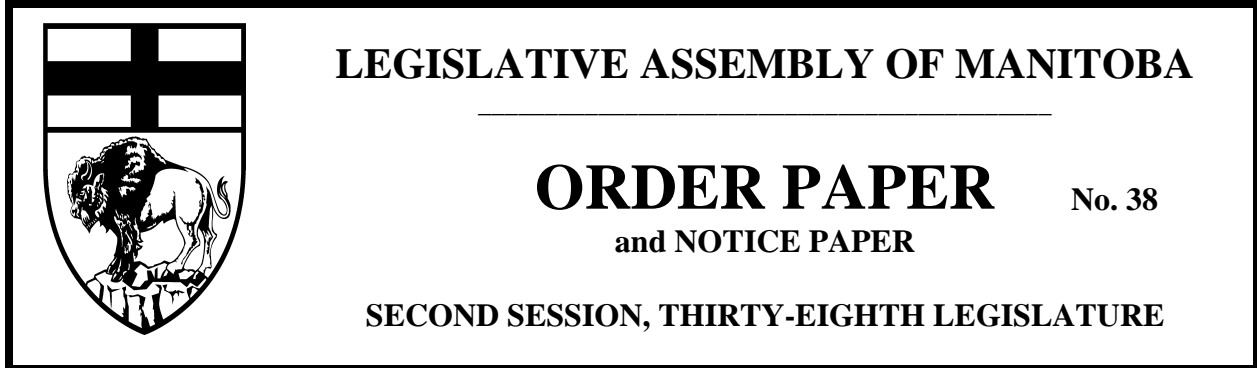


Thursday, May 13, 2004



**PRAYER**

**SITTING AT 10:00 A.M.**

**ORDERS OF THE DAY**

**PRIVATE MEMBERS' BUSINESS**

**SECOND READINGS – PRIVATE BILLS:**

Ms. BRICK –

(No. 300) – The Winnipeg Foundation Act/Loi sur la Fondation dénommée « The Winnipeg Foundation »

(Printed)

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**DEBATE ON SECOND READINGS – PUBLIC BILLS:**

On the Proposed Motion of Mr. HAWRANIK –

(No. 200) – The Criminal Organizations Deterrence Act (Local Government Acts Amended)/Loi visant à prévenir les activités des organisations criminelles (modification de lois concernant certaines administrations locales)

(Mr. SCHELLENBERG) (Stands)

On the Proposed Motion of Mr. HAWRANIK –

(No. 201) – The Taxpayer Protection Legal Representation Act (Legal Aid Services Society of Manitoba Act Amended)/Loi sur la protection des contribuables concernant l'accès à la représentation juridique (modification de la Loi sur la Société d'aide juridique du Manitoba)

(Mr. DEWAR) (Stands)

On the Proposed Motion of Mrs. MITCHELSON –

(No. 206) – The Manitoba Public Insurance Corporation Amendment Act/Loi modifiant la Loi sur la Société d'assurance publique du Manitoba

(Ms. BRICK) (Stands)

(Mr. REIMER – 1 min.)

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**SECOND READINGS – PUBLIC BILLS:**

Mr. LOEWEN –

(No. 203) – The Manitoba Lotteries Corporation Amendment Act/Loi modifiant la Loi sur la Corporation manitobaine des loteries

(Printed)

Mr. LOEWEN –

(No. 204) – The Fatality Inquiries Amendment Act/Loi modifiant la Loi sur les enquêtes médico-légales

(Printed)

Mr. DERKACH –

(No. 207) – The Medical Amendment Act/Loi modifiant la Loi médicale

(Printed)

Mr. LAMOUREUX –

(No. 208) – The Immigration Consultants Act/Loi sur les consultants en immigration

(Printed)

Mr. LAMOUREUX –

(No. 209) – The Legislative Assembly Amendment Act/Loi modifiant la Loi sur l'Assemblée législative

(Printed)

Hon. Mr. GERRARD –

(No. 210) – The Legislative Assembly Amendment Act (2)/Loi n° 2 modifiant la Loi sur l'Assemblée législative

(Printed)

Mr. SCHULER –

(No. 212) – The Pension Freedom Act (Pension Benefits Act Amended)/Loi sur la liberté de choix en matière de pension (modification de la Loi sur les prestations de pension)

(Printed)

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## **RESOLUTIONS:**

2. Mr. DEWAR – Aboriginal Veteran Thomas George Prince

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**1:30 O'CLOCK P.M.**

## **ROUTINE PROCEEDINGS**

### **PETITIONS**

Mr. EICHLER  
Mr. LAMOUREUX  
Mrs. DRIEDGER  
Mr. MURRAY  
Mr. DYCK  
Mr. GOERTZEN  
Mrs. TAILLIEU  
Mrs. STEFANSON

### **COMMITTEE REPORTS**

### **TABLING OF REPORTS**

### **MINISTERIAL STATEMENTS**

### **INTRODUCTION OF BILLS**

Hon. Mr. MACKINTOSH –

(No. 47) – The Legal Aid Services Society of Manitoba Amendment Act/Loi modifiant la Loi sur la Société d'aide juridique du Manitoba

Mr. LOEWEN –

(No. 205) – The Liquor Control Amendment Act/Loi modifiant la Loi sur la réglementation des alcools

Mr. REIMER –

(No. 213) – The Seniors' Property Tax Deferment Act/Loi sur le report des taxes foncières des aînés

### **ORAL QUESTIONS**

### **MEMBERS' STATEMENTS**

### **GRIEVANCES**

## **ORDERS OF THE DAY (Continued)**

### **GOVERNMENT BUSINESS**

#### **COMMITTEE OF THE WHOLE**

#### **COMMITTEE OF SUPPLY**

(37 hrs. 41 mins.)  
(Chamber – Justice)  
(Room 255 – Water Stewardship)  
(Room 254 – Education, Citizenship and Youth)

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#### **DEBATE ON REPORT STAGE – AMENDMENT:**

Hon. Mr. MACKINTOSH –

(No. 6) – The Cross-Border Policing Act/Loi sur les services de police interterritoriaux  
(Amendment – Mr. HAWRANIK)  
(Mr. GOERTZEN – 14 mins.)

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#### **DEBATE ON SECOND READINGS:**

On the Proposed Motion of Hon. Mr. SELINGER –

(No. 5) – The Manitoba Public Insurance Corporation Amendment Act (Claimant Advisers)/Loi modifiant la Loi sur la Société d'assurance publique du Manitoba (conseillers des demandeurs)  
(Mr. TWEED) (Stands)

On the Proposed Motion of Hon. Mr. SALE –

(No. 10) – The Gaming Control Amendment Act/Loi modifiant la Loi sur la Commission de régie du jeu  
(Mr. TWEED) (Stands)

On the Proposed Motion of Hon. Mr. LEMIEUX –

(No. 12) – The Highways and Transportation Amendment and Highway Traffic Amendment Act (Trucking Productivity Improvement Fund)/Loi modifiant la Loi sur la voirie et le transport et le Code de la route (Fonds d'amélioration de la productivité de l'industrie du transport routier)  
(Mr. DYCK) (Stands)

On the Proposed Motion of Hon. Mr. BJORNSON –

(No. 19) – The Public Schools Amendment Act/Loi modifiant la Loi sur les écoles publiques  
(Mr. DYCK)

On the Proposed Motion of Hon. Mr. RONDEAU –

(No. 21) – The Non-Smokers Health Protection Act (Various Acts Amended)/Loi sur la protection de la santé des non-fumeurs (modification de diverses dispositions législatives)  
(Mrs. DRIEDGER) (Stands)

- On the Proposed Motion of Hon. Mr. ASHTON –  
(No. 22) – The Water Protection Act/Loi sur la protection des eaux  
(Mr. REIMER)
- On the Proposed Motion of Hon. Mr. ASHTON –  
(No. 23) – The Red River Floodway Act/Loi sur le canal de dérivation de la rivière Rouge  
(Mr. DYCK)
- On the Proposed Motion of Hon. Mr. ROBINSON –  
(No. 24) – The Travel Manitoba Act/Loi sur la Société Voyage Manitoba  
(Mr. DYCK)
- On the Proposed Motion of Hon. Mr. ROBINSON –  
(No. 25) – The Amusements Amendment Act/Loi modifiant la Loi sur les divertissements  
(Mrs. TAILLIEU)
- On the Proposed Motion of Hon. Ms. WOWCHUK –  
(No. 27) – The Agricultural Societies Act/Loi sur les sociétés agricoles  
(Mr. DYCK)
- On the Proposed Motion of Hon. Ms. WOWCHUK –  
(No. 28) – The Agrologists Amendment Act/Loi modifiant la Loi sur les agronomes  
(Mrs. MITCHELSON)
- On the Proposed Motion of Hon. Mr. BJORNSON –  
(No. 30) – The Safe Schools Charter (Various Acts Amended)/Charte de la sécurité dans les écoles (modification de diverses dispositions législatives)  
(Mr. DYCK)
- On the Proposed Motion of Hon. Mr. ASHTON –  
(No. 31) – The Floodway Authority Act/Loi sur la Commission du canal de dérivation  
(Mr. GOERTZEN – 27 mins.)
- On the Proposed Motion of Hon. Mr. LEMIEUX –  
(No. 32) – The Provincial Railways Amendment Act/Loi modifiant la Loi sur les chemins de fer provinciaux  
(Mr. MAGUIRE)
- On the Proposed Motion of Hon. Mr. SELINGER –  
(No. 33) – The Public Servants Insurance Amendment Act/Loi modifiant la Loi sur l'assurance des employés du gouvernement  
(Mr. DYCK)
- On the Proposed Motion of Hon. Ms. MCGIFFORD –  
(No. 34) – The University of Winnipeg Amendment Act/Loi modifiant la Loi sur l'Université de Winnipeg  
(Mr. DYCK)

On the Proposed Motion of Hon. Mr. SELINGER –  
(No. 35) – The Credit Unions and Caisses Populaires Amendment Act/Loi modifiant la Loi sur les caisses populaires et les credit unions

(Mr. DYCK)

On the Proposed Motion of Hon. Mr. LEMIEUX –  
(No. 36) – The Highway Traffic Amendment Act/Loi modifiant le Code de la route

(Mr. MAGUIRE)

On the Proposed Motion of Hon. Ms. ALLAN –  
(No. 37) – The Labour Relations Amendment Act/Loi modifiant la Loi sur les relations du travail

(Mr. SCHULER)

On the Proposed Motion of Hon. Mr. ASHTON –  
(No. 38) – The Fisheries Amendment Act/Loi modifiant la Loi sur la pêche

(Mr. DYCK)

On the Proposed Motion of Hon. Mr. SELINGER –  
(No. 39) – The Residential Tenancies Amendment Act/Loi modifiant la Loi sur la location à usage d'habitation

(Mr. DYCK)

On the Proposed Motion of Hon. Ms. MIHYCHUK –  
(No. 40) – The Planning Amendment Act/Loi modifiant la Loi sur l'aménagement du territoire

(Mr. MAGUIRE)

On the Proposed Motion of Hon. Mr. SMITH –  
(No. 42) – The Mines and Minerals Amendment Act/Loi modifiant la Loi sur les mines et les minéraux

(Mr. EICHLER)

On the Proposed Motion of Hon. Mr. CHOMIAK –  
(No. 43) – The Personal Health Information Amendment Act (Spiritual Health)/Loi modifiant la Loi sur les renseignements médicaux personnels (santé spirituelle)

(Mr. DYCK)

On the Proposed Motion of Hon. Ms. MCGIFFORD –  
(No. 44) – The Colleges Amendment Act/Loi modifiant la Loi sur les collèges

(Mr. DYCK)

On the Proposed Motion of Hon. Ms. ALLAN  
(No. 45) – The Engineering and Geoscientific Professions Amendment Act/Loi modifiant la Loi sur les ingénieurs et les géoscientifiques

(Mr. DYCK)

On the Proposed Motion of Hon. Mr. BJORNSON –  
(No. 46) – The Teachers' Pensions Amendment Act/Loi modifiant la Loi sur la pension de retraite des enseignants

(Mr. DYCK)

On the Proposed Motion of Hon. Mr. CHOMIAK –  
(No. 48) – The Human Tissue Amendment Act/Loi modifiant la Loi sur les tissus humains  
(Mr. DYCK)

On the Proposed Motion of Hon. Ms. MIHYCHUK –  
(No. 49) – The Municipal Amendment Act/Loi modifiant la Loi sur les municipalités  
(Mr. DYCK)

On the Proposed Motion of Hon. Ms. MIHYCHUK –  
(No. 50) – The Municipal Assessment Amendment Act/Loi modifiant la Loi sur l'évaluation  
municipale  
(Mr. DYCK)

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## NOTICE PAPER

### NOTICE OF MOTIONS FOR THURSDAY NEXT:

#### PROPOSED RESOLUTIONS:

**Mr. NEVAKSHONOFF –**

**3.** WHEREAS the Federal Government introduced the ill-conceived federal gun registration scheme; and

WHEREAS the firearms registry scheme will serve only to penalize law-abiding gun owners; and

WHEREAS many serious crimes are committed with illegal guns from the United States which is not adequately addressed in the Federal Government's registry program; and

WHEREAS the cost of this program was initially estimated at \$2 million but has since ballooned to over \$2 billion; and

WHEREAS by scrapping the registry, these funds could be diverted towards important areas such as gun smuggling prevention and support programs and policies; and

WHEREAS the Manitoba Government has spoken out against the program on numerous occasions and will not prosecute registration offences under the firearms Act or the Criminal Code; and

WHEREAS several provinces have asked Ottawa to suspend the registry.

THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba urge the Federal Government to abandon the gun registry and to divert funds and energy towards other more necessary areas of crime prevention; and

BE IT FURTHER RESOLVED that this Assembly direct the Clerk of the Legislative Assembly to send a copy of this resolution to the Federal Government.

**Ms. OSWALD –**

**4.** WHEREAS the Federal Government amended the Criminal Code to allow for conditional sentencing in 1995; and

WHEREAS conditional sentencing was intended to be imposed consistent with the fundamental principles of sentencing, which are that “a sentence must be proportionate to the gravity of the offence and the degree of responsibility of the offender”; and

WHEREAS Parliament created the conditional sentence to address minor crime without resorting to imprisonment; and

WHEREAS the conditional sentence was never meant as a sentencing option for crimes of serious violence, sexual assault and related offences, driving offences involving death or serious bodily harm, or theft committed in the context of a breach of trust; and

WHEREAS the courts frequently grant conditional sentences in these cases and appeal courts have frequently upheld such sentences; and

WHEREAS it is Manitoba’s position that imposing a conditional sentence in these circumstances offends the fundamental principles of sentencing and brings the justice system into disrepute;

THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba urge the Federal Government to amend the Criminal Code so that those convicted of serious crimes of violence, including sexual assault and offences involving death or serious bodily harm cannot be eligible for a conditional sentence.

**Mr. DYCK –**

**5.** WHEREAS the community foundation movement in Manitoba, and in Canada, began with the establishment of The Winnipeg Foundation in 1921; and

WHEREAS the number of community foundations in Manitoba has grown to 31 today; and



WHEREAS Manitoba has more community foundations per capita than any other region of the country; and

WHEREAS from 2000 to 2001 the amount of grants provided to Manitoba communities through community foundations increased by \$2.5 million or 29.2 per cent; and

WHEREAS Manitoba's community foundations had more than \$332 million in assets under management at the end of 2001, a 50 per cent increase from the previous year; and

WHEREAS growth of community foundations in Manitoba generated enough demand to hire a Regional Coordinator in July 2001 to identify needs of community foundations; provide information, education and technical assistance to community foundations; strengthen the relationship between communities and community foundations; encourage communication amongst community foundations; and promote philanthropy and the community foundation movement; and

WHEREAS community foundations pool the charitable gifts of many donors into permanent, income-earning endowment funds that benefit local communities; and

WHEREAS community foundations make grants to support a wide range of local initiatives – from health, education and social services to arts and culture and the environment; and

WHEREAS community foundations provide leadership to their communities by bringing people together from all sectors to identify and address local issues; and

WHEREAS the community foundation movement is often described as the fastest growing form of philanthropy in Canada.

THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba commend the province's community foundations on their demonstrated commitment and leadership in strengthening local communities across Manitoba; and

BE IT FURTHER RESOLVED that the Legislative Assembly of Manitoba urge the Provincial Government to consider continuing to work in co-operation with Community Foundations of Canada, the national umbrella organization for community foundations, to broaden the community foundation movement in Manitoba.

**Mr. MARTINDALE –**

**6.** WHEREAS an estimated seven million Ukrainians died of starvation in 1932-33 in a deliberately induced Ukrainian famine, organized and master- minded by the Soviet regime; and

WHEREAS Ukrainians were sentenced to a horrifying slow death from starvation in an attempt to destroy aspirations of an independent Ukraine and to erase in the people all aspirations of freedom, and

WHEREAS this horror has inflicted a deep and lasting scar on the Ukrainian community here and throughout the world; and

WHEREAS the people of Manitoba wish to honour the memory of those who lost their lives; and

WHEREAS last year marked the 70<sup>th</sup> anniversary of this tragedy, and it is in the public interest to recognize the nature and consequences of the Ukrainian Famine/Genocide of 1932/33; and

WHEREAS in recognition of that anniversary the Minister of Labour, Immigration and Status of Women proclaimed the week of November 23<sup>rd</sup> to 30<sup>th</sup> 2003 to be the week of the Great Famine/Genocide in Ukraine.

THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba urge the Provincial Government to join people throughout the world, and particularly Manitobans of Ukrainian heritage, in commemorating these tragic events, and

BE IT FURTHER RESOLVED that the Legislative Assembly of Manitoba urge the Provincial Government to hereafter recognize the last Saturday of November as the Day of the Ukrainian Famine/Genocide of 1932/33.

**Mr. EICHLER –**

7. WHEREAS in April 2002 a discussion paper commissioned by the Canadian Rural Partnership and researched by R.A. Malatest & Associates entitled, *Rural Youth Migration: Exploring the Reality Behind the Myths/A Rural Youth Discussion Paper*, was released; and

WHEREAS this document reflected the input of more than 2,100 current and former rural youth, community leaders and government officials from all regions across Canada, ranging in age from 15 to 29; and

WHEREAS the results of this research suggest that out-migration from rural areas will likely continue, if not accelerate, in the near future; and

WHEREAS irrespective of their current status, almost all youth were unanimous in their opinion that there was a need for a “Rural Youth Strategy”; and

WHEREAS it is estimated that at most, only 1 in 4 rural youth who leave their community will return to the same community within 10 years; and

WHEREAS only 19% of study respondents thought that their rural community afforded an opportunity to pursue post-secondary education; and

WHEREAS only 23% of study respondents believed they would be able to make a good living should they remain in their community; and

WHEREAS 74% of study respondents aged 15 to 19 indicated that they intend to live in an urban community in the future; and

WHEREAS a 2002 Statistics Canada Research Paper entitled, *Recent Migration Patterns in Rural and Small Town Canada*, shows that between 1971 and 1996, rural and small town out-migration in Canada was consistently highest in the 20 to 24 age class; and

WHEREAS the *Rural Youth Discussion Paper* contained more than 20 strategic options designed to enhance the attractiveness of rural communities to Canadian youth that could be implemented by communities, employers and other agencies; and

WHEREAS if changes are not made to increase accessibility of youth in rural communities to education and training; to enhance employment opportunities for rural youth; to encourage active participation by youth in civic decisions; to enhance tax and fiscal programs for youth choosing to remain in, or move to a rural setting; to implement work orientation and rural “exposure” programs for urban youth; and, to increase the amount social activities and infrastructure targeted at rural youth, there is a risk that Manitoba will continue to suffer net losses of its rural population aged 15-29.

THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba urge the Provincial Government to consider working in co-operation with the Canadian Rural Partnership, municipal governments, employers, educational institutions, members of the community and rural youth to implement strategies to help rural communities become more “youth friendly”.

**Ms. KORZENIOWSKI –**

**8.** WHEREAS July 27, 2003 marked the 50<sup>th</sup> anniversary of the cease-fire that ended the Korean War; and

WHEREAS almost 34,000 Canadians, including many Manitobans, served in the Korean conflict, and as peacekeepers in the subsequent cease-fire, making Korea one of Canada’s largest military mobilizations; and

WHEREAS 516 Canadians paid the ultimate sacrifice, including 37 Manitobans, and 17 soldiers from CFB Shilo who died in a train accident near Canoe River, B.C. November 21<sup>st</sup>, 1950 en route to Korea; and

WHEREAS our province recognizes the sacrifices of those who have lost their lives in war, through the commemorative naming of more than 4,200 lakes, bays, islands and other geographical features; and

WHEREAS in September 1998 the Korean Veterans Association erected a cairn in Brookside Cemetery in Winnipeg honouring Manitobans who lost their lives in Korea, and those who died in the Canoe River train accident.

WHEREAS Manitobans who served in the Korean War wish to have one day set aside each year to remember their comrades;

THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba urge the Provincial Government to consider recognizing July 27 as Korean War Veterans Day in Manitoba.

**Mr. REIMER –**

**9.** WHEREAS graffiti is an act of vandalism that costs hundreds of thousands of dollars to remove or cover every year; and

WHEREAS the presence of graffiti causes an area to look unsafe, making people concerned about their personal safety and reducing the appeal and property values of that area; and

WHEREAS graffiti may lead to an increase in other crimes and acts of violence; and

WHEREAS gang members or associates may use graffiti as a method of communication to promote a gang, mark territory, recruit new members or intimidate a neighbourhood; and

WHEREAS efforts such as the Graffiti Awareness and Abatement Program, a joint City of Calgary/Calgary Police Service initiative for recording, reporting and removing graffiti, led to a noticeable reduction in graffiti; and

WHEREAS graffiti prevention techniques such as motion detector lights, increased lighting, locking gates, clinging vines and shrubbery, durable fences and anti-graffiti coatings can all help property become less of a graffiti target.

THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba urge the Provincial Government to consider working together with the province's cities to formulate a comprehensive graffiti prevention program that includes educating property and business owners on the use of graffiti prevention techniques to help deter would-be graffiti writers.

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**NOTICE OF COMMITTEE MEETING:**

The Standing Committee on JUSTICE will meet in Room 255, Legislative Building, Winnipeg, Manitoba on Tuesday, May 18, 2004 at 10:00 a.m. to consider Bills referred.