

Third Session - Thirty-Eighth Legislature
of the
Legislative Assembly of Manitoba
Standing Committee
on
Intergovernmental Affairs

Chairperson
Ms. Marilyn Brick
Constituency of St. Norbert

Vol. LVI No. 2 - 9:30 a.m., Monday, June 6, 2005

ISSN 1708-6663

MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Eighth Legislature

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LEGISLATIVE ASSEMBLY OF MANITOBA

THE STANDING COMMITTEE ON INTERGOVERNMENTAL AFFAIRS

Monday, June 6, 2005

TIME – 9:30 a.m.

LOCATION – Winnipeg, Manitoba

CHAIRPERSON – Ms. Marilyn Brick (St. Norbert)

VICE-CHAIRPERSON – Mr. Tom Nevakshonoff (Interlake)

ATTENDANCE – 11 QUORUM – 6

Members of the Committee present:

Hon. Mr. Smith

Ms. Brick, Messrs. Caldwell, Cullen, Cummings, Dewar, Dyck, Jennissen, Maguire, Schellenberg

Substitutions:

Mr. Martindale for Ms. Korzeniowski

APPEARING:

Mr. Kevin Lamoureux, MLA for Inkster

WITNESSES:

Bill 35–The Capital Region Partnership Act

Mr. Don Forfar, Chairperson, Mayors and Reeves of the Capital Region
Mr. Bob Stefaniuk, Mayor, R.M. of Ritchot
Mr. Wilf Taillieu, Reeve, R.M. of Headingly

Bill 29–The Municipal Councils and School Boards Elections Act

Mr. Doug Dobrowolski, Association of Manitoba Municipalities
Ms. Val Turner, Manitoba Municipal Administrators' Association
Mr. Mel Graham, Inter-Organizational Access Committee

WRITTEN SUBMISSIONS:

Bill 29–The Municipal Councils and School Boards Elections Act

Bill 35–The Capital Region Partnership Act

Mr. Jae Eadie, Councillor, City of Winnipeg

MATTERS UNDER CONSIDERATION:

Bill 29–The Municipal Councils and School Boards Elections Act

Bill 35–The Capital Region Partnership Act

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Madam Chairperson: Will the Standing Committee on Intergovernmental Affairs please come to order.

This meeting has been called to consider the following bills: Bill 29, The Municipal Councils and School Boards Elections Act; Bill 35, The Capital Region Partnership Act.

We have a few presenters registered to speak this morning as follows. Oh, sorry.

Committee Substitutions

Mr. Gregory Dewar (Selkirk): Madam Chair, with the unanimous consent of the committee, I would like to make the following membership substitution, effective immediately, for the Standing Committee on Intergovernmental Affairs: Burrows for St. James.

Madam Chairperson: Thank you. Is there agreement of the committee? Agreed?

An Honourable Member: Agreed.

Madam Chairperson: Any substitutions? No? Thank you very much. Agreed and so ordered.

* * *

Madam Chairperson: We have a few presenters registered to speak this morning, and they are as follows. If you would like to turn to the second page of your Standing Committee on Intergovernmental Affairs and

reference Bill 35 first, The Capital Region Partnership Act, the following individuals have been registered to speak: Reeve John Holland from the R.M. of Springfield; Don Forfar, Chairperson of the Mayors and Reeves of the Capital Region.

I just want leave from the committee. Mr. Forfar has requested to be heard first because he has an event in his constituency that starts at 11 and he is from St. Andrews. Is there agreement to hear Mr. Forfar first? *[Agreed]*

Bob Stefaniuk, the R.M. of Ritchot, Reeve; Wilf Taillieu, the R.M. of Headingley, Reeve. The last two people, for the information of the committee, have registered today, and all four of those names I have just read are from out of town.

On Bill 29, The Municipal Councils and School Boards Elections Act: Doug Dobrowolski, Association of Manitoba Municipalities; Richard Kachur, City Clerk's Office, City of Winnipeg; Val Turner, Manitoba Municipal Administrators' Association; Mel Graham, Inter-Organizational Access Committee.

Before we proceed with these presentations, we do have a few items to consider. First of all, if there is anyone else in the audience who would like to make a presentation this morning, please register with staff at the entrance of the room.

Also, for the information of all presenters, while written versions of presentations are not required, if you are going to accompany your presentation with written materials, we ask that you provide 20 copies. If you need help with photocopying, please speak with our staff.

As well, I would like to inform presenters that, in accordance with our rules, a time limit of 10 minutes has been allotted for presentations, with another five minutes allowed for questions from committee members. Also, in accordance with our rules, if a presenter is not in attendance when their name is called, they will be dropped to the bottom of the list. If the presenter is not in attendance when their name is called a second time, they will be removed from the presenters' list.

For the information of the committee, a written submission on Bill 29 from Councillor Jae Eadie has been received and distributed to committee members. Does the committee agree to have this document appear in the Hansard transcript of this meeting? *[Agreed]*

On the topic of determining the order of public presentations, as I mentioned before, we have already given leave for Mr. Don Forfar to appear first. After Mr. Don Forfar, I would like people to note that we have out-of-town presenters in attendance, and they are marked with an asterisk. With this consideration in mind, in what order does the committee wish to hear the presentations?

Mr. Doug Martindale (Burrows): Madam Chairperson, the usual procedure would be to hear out-of-town presenters first.

Madam Chairperson: Agreed from the committee? *[Agreed]*

In keeping with our previous discussion, is it the agreement of the committee to hear presenters on Bill 35 first, The Capital Region Partnership Act? *[Agreed]*

On another matter, how long does the committee wish to sit this morning?

Mr. Peter Dyck (Pembina): Madam Chairperson, let us review at twelve o'clock.

Madam Chairperson: Okay, is that agreed by the committee? We will review? *[Agreed]*

* (09:40)

Prior to proceeding with public presentations, I would like to advise members of the public regarding the process for speaking in committee. The proceedings of our meetings are recorded in order to provide a verbatim transcript. Each time someone wishes to speak, whether it be an MLA or a presenter, I have to first say the person's name. This is the signal for the Hansard recorder to turn the mike on and off. Thank you for your patience.

We will now proceed with public presentations.

Bill 35—The Capital Region Partnership Act

Madam Chairperson: The first presenter I have is Mr. Don Forfar, Chairperson of the Mayors and Reeves of the Capital Region.

Floor Comment: Thank you, Madam Chair.

Madam Chairperson: Just a moment. Mr. Forfar, I just need to recognize you.

Mr. Don Forfar (Chairperson, Mayors and Reeves of the Capital Region): Thank you, Madam Chair, and committee members. I will start off with a history lesson. In 1999, the mayors and reeves of the Capital Region of Manitoba formally organized as a group in order to work together to build a safe, healthy, efficient, prosperous and strong Capital Region with a strong capital city where the public, governments and organizations work together co-operatively, enhancing, effectively managing resources, and providing all citizens with a high quality of life.

One of our primary objectives is to provide a collective voice to the provincial government on significant regional issues. We therefore believe that it is imperative that our organization have input into Bill 35. We have a number of points that we would like to make regarding the proposed bill. Firstly, we are supportive of forming the partnership that Bill 35 speaks to. In fact, I would like to digress for a second and read out a resolution that we passed at a January 23, 2004, meeting. It was unanimously approved.

"Be it resolved that the mayors and reeves of the Capital Region are prepared to participate in the partnership of the Capital Region governments and encourage the Government of Manitoba, following consultation with the current Capital Region governments, to adopt legislation creating a partnership with Manitoba Capital Region governments with representation from all Capital Region governments, including the Government of Manitoba."

So, again, we are supportive and willing to work with the Province, and we are prepared to partnership with this legislation. We believe, however, that there are several amendments and

additions that, if made to the proposed bill, will enhance it and provide an ideal basis upon which to build a truly co-operative partnership with the Province.

The following changes are what we would like to do in the order as they appear:

Section 2. This is a word-smithing change. We would prefer that section 2(a) read "including but not limited to" rather than the words "such as."

In section 3, the legislation utilizes mandatory language. For example, in section 3, the language imposes a duty on the mayors and reeves to meet and develop recommendations. It is inappropriate for the legislation to use mandatory language in this regard since consensus may not be obtainable. So, in section 3(1) and 3(2), "must" we would rather see as a "may." As well, in section 3(4), we would request that the wording be changed to say: "The report may be made even if the mayor or reeve of a municipality listed in subsection (1) chooses not to participate in the development of the recommendations," rather than "does not."

Section 4. Section 4(1)(b) is of concern to our membership. The entire Capital Region consists of unique municipalities, and we would request that this section read "the proposed organizational and governance structure of the Capital Region partnership recognizes the size and population of the city of Winnipeg and its significant role in the partnership."

Under the proposed act, it is not possible for the Cabinet to establish the Capital Region partnership unless the mayors and reeves submit a report to the minister. However, if a report is submitted, there is nothing in section 4 that requires the minister or the Cabinet to establish the partnership with the membership, organization and governance structure recommended by the mayors and reeves. So we would request that the following additions be made. At the end of subsection 4(1), following the existing statement, "the minister may recommend to the Lieutenant Governor in Council that the Capital Region partnership be established," we would like to add, "with the membership and organizational and governance structure as

recommended in the report." To be added at the beginning of subsection 4(2), following the existing statement, "After considering the minister's recommendations," "the Lieutenant Governor in Council may make recommendations consistent with the report of the mayors and reeves."

The final point is we applaud the efforts of the Province to be consistent with the recommendations contained in the RPAC report, tabled in 2003, entitled "A Partnership for the Future." With the incorporation of the changes suggested, we believe that the partnership has the potential to reflect the vision of that report.

Bill 35, however, overlooks one important component of the partnership as envisioned by the RPAC report. In chapter 6, page 35 of the report, it is recommended that the Government of Manitoba support the partnership on an ongoing basis in the amount of \$250,000 annually. We would request that the Province commit itself minimally to this financial allocation for the partnership in Bill 35.

In conclusion, thank you for the opportunity to speak to this committee regarding the proposed Capital Region Partnership Act. We are looking forward to moving forward in a spirit of co-operation of the Province to continue to develop Manitoba's Capital Region.

Thank you, Madam Chair.

Madam Chairperson: Thank you very much for your presentation.

Do the committee members have questions?

Mr. Larry Maguire (Arthur-Virden): Thank you very much for your presentation, Mr. Forfar, in regard to Bill 35. Clearly, the amendments that you are proposing here would be more along the line of involving the Province in regard to the partnership in a more formal manner. Would that be correct?

Floor Comment: Correct.

Madam Chairperson: Mr. Forfar, I have to recognize you.

Mr. Forfar: Sorry. Thank you. Yes, that is what this is all about. The mayors and reeves have

partnered and existed for years. This now allows us to include and work with the Province on a formal, structured basis.

Mr. Maguire: I think all you are recommending is that there be a more formal inclusion of the Province in some of that area, a number of musts that you have here, the Province is in a position where it may do things under discussion with you and that it would be more formal if everyone was included at the same level.

Mr. Forfar: I guess the language is more about optics. At the end of the day, the mayors and reeves do not have to work on this partnership, so I must confess the word-smithing is more about optics. We just think it is more user-friendly to suggest to us that we may than that we must.

Hon. Scott Smith (Minister of Intergovernmental Affairs): I would like to thank Reeve Forfar for his presentation. Certainly, we have looked at this for quite a period of time. I think we have had some good discussions and certainly some of your recommendations here will see a bit of an amendment later on.

Madam Chairperson: Thank you very much.

The next presenter we have is Reeve John Holland from the R.M. of Springfield. Seeing this individual is not present, we will drop him to the bottom of the list and his name will be called a second time.

Bob Stefaniuk, Reeve of the R.M. of Richot. Now you can proceed, Mr. Stefaniuk.

Mr. Bob Stefaniuk (Mayor, R.M. of Richot): Thank you, and good morning. The following comments on Bill 35 are submitted to you as my own personal view and do not necessarily reflect the opinion of the Council of Richot at this point. I will have my comments ratified by them, but I cannot speak that they will be approved, but, of course, I do expect that to occur.

As a member of the Regional Planning Advisory Committee known as RPAC, which prepared the report entitled "A Partnership for the Future," I am pleased to see the Government of Manitoba move ahead with

enabling legislation to form the partnership described in this committee's report. The Capital Region Partnership is, in my opinion, the most important recommendation in the RPAC report. The partnership must be in place and working before any of the other many recommendations in the RPAC report can be considered and implemented in a meaningful way.

The major shortfall in Bill 35 is that the Province of Manitoba is totally excluded from any participation in the partnership. Additionally, the Province does not commit to any financial obligations for the required funding to make the partnership work effectively. The bill clearly places these responsibilities on the mayors and reeves of the Capital Region. It is my opinion that this is beyond the capabilities of this organization at this time.

* (09:50)

Many times during the hearings conducted by RPAC, presenters stated that what is in place now is not working. They indicated there is a vacuum in the region in regard to land use policy and with governance in general. They believe the provincial government had to fill this vacuum as they were the only level of government with the required legislative authority.

Considering the importance of the Capital Region to the entire province, and to quote from the RPAC report, "Provincial policy or regulatory, financial and administrative actions can greatly affect the region. The Government of Manitoba needs to participate directly in any new regional forum that is created." I totally agree with that statement and look forward to seeing the above comments included in Bill 35. Otherwise, the ineffective status quo will prevail until yet another future advisory committee again studies the Capital Region issues. Thank you.

Madam Chairperson: Thank you very much. Questions?

Mr. Maguire: Thank you, Mr. Stefaniuk, for your presentation. As well, you reiterate here a couple of consistent points, I believe, in regard to the greater participation or a more clear direction being given from the Province in regard to how that partnership should evolve.

Can you give us any elaboration on just exactly—I mean, I know you have been involved in many of the recommendations of the report, but would you expand on that, or could you expand on that at this time?

Mr. Stefaniuk: No, there is general consensus throughout all of the hearings, and it fortified what my own personal opinions were before the RPAC committee occurred, that there is sort of a lack of focus on the Capital Region, and the Capital Region is very, very important to this province, not so much that we represent 80 percent of the population in the province within this Capital Region, but also there are other population clusters throughout the province. I always thought, and the committee sort of bought into this, the RPAC committee, that if we did a good job here with the Capital Region committee, the same concepts could be transposed into other populated areas in the province which also have their own effective regions, and that would be Brandon, Steinbach, Thompson and probably a few others in the province that have those kinds of populations. So I think it is very, very important that the Province take leadership in this, and again, if the Province has the legislative authority to do this and the mayors and reeves, or the municipalities, do not.

It was a general consensus, particularly between the business communities that we heard from and also from the academics. I think there is definitely the opportunity here to do this right. I think the Province, to do it right, has to be totally involved.

Mr. Maguire: I see from your presentation that your feeling is that there should be some financial commitment. Obviously, municipalities would have some funds involved, the City involved in this project as well, but if there is going to be a true partnership, the Province should be involved with some commitment at that level as well?

Mr. Stefaniuk: That is correct. There is a budget line in the Province now for the Capital Region, and when RPAC made this recommendation, and it is truly a recommendation at this point in terms of the amount of money and the structure of the funding, but it was based on that the Province is

already committing a certain amount of money to the Capital Region and that would be sort of transferred over into this partnership and be sort of cost-neutral to the Province.

Mr. Smith: Thank you very much, Reeve Stefaniuk, for your presentation. It has been a good process working with yourself and the Capital Region to get us to here. I do appreciate that in your presentation you mention that partnership must be in place and working before any of the other recommendations in the report can really move ahead. Certainly, that is what this does. I think we have brought this in to a formalized mandate where it is from the ground up. This partnership will be established and the structure will be established in many of the ways that you are speaking about.

Certainly, as we have moved ahead in the Province as chair of the board, and you are right, there is a commitment of finances right now to the Capital Region, but it is something that obviously we will be doing as we move ahead. Certainly, the recommendation of \$250,000 may be enough; it may not be enough is what we are considering. I think once the structure and the mandate is set up and we know exactly what those budget lines might entail and might be would be more of a better time to look at what the partnership on the financing might be. That is certainly what we are looking at from this side.

We have been cost-sharing many of the initiatives that we have had so far. That will not change. Certainly, the costs of the Capital Region structure, the report had suggested \$250,000. Until we have our mandate and the structure and things set up, I think at that time we will have a better idea of what the costs might be and what the partnership might be.

Madam Chairperson: Thank you very much for your presentation. Did you want to respond? You have 30 seconds.

Mr. Stefaniuk: I appreciate what the minister is saying and I look forward to those things materializing. Also, for the record, I am a mayor, not a reeve, same job. Thank you.

Madam Chairperson: Thank you very much.

I am not sure whether I should be calling Reeve Taillieu or Mayor Taillieu. I will call Mayor Taillieu of the R.M. of Headingley. I have been told you are a reeve. Mr. Taillieu, you can proceed whenever you are ready.

Mr. Wilf Taillieu (Reeve, R.M. of Headingley): Thank you, and you are right, it is reeve.

Thanks for allowing me the opportunity to speak at this committee regarding The Capital Region Partnership Act.

Over the past several years, the Capital Region Committee has operated in the spirit of co-operation, but it has lacked direction from and access to the provincial government. It appears that legislation may be required to bring all parties to the table, and we applaud the dialogue with the minister.

Since the inception of the Capital Region Committee several years ago, there has always been a prevailing element of misperception, indeed possibly distrust, amongst the Province, the City and the Capital Region municipalities regarding each other's agenda. This mistrust must be dealt with if we are ever to adopt a successful Capital Region plan. The creation of this legislation is an ideal place to start.

As is typical, the drafting of Bill 35 was completed entirely by the Province, unilaterally, with virtually no input from the other two parties. We were not consulted. We understand that this is the government's prerogative but believe that consultation with all parties would lead to more unity, harmony and support of the bill.

At this point in time, there are concerns among the various mayors and reeves regarding some of the statements in the proposed legislation, and the speed at which it had been brought forward is also a concern. We would welcome the opportunity for more consultation to put to rest any anxieties there may be before the bill is passed.

Considering that this legislation is not a time-sensitive issue and there is really no reason for haste, we are asking the minister to allow the

City of Winnipeg and the Capital Region municipalities time to review the document, possibly to get legal advice and to offer our input regarding some of the elements of the bill. I believe if we can do this, we will have a workable partnership. I also believe that if all parties are consulted before the bill receives third reading, it will truly be a partnership agreement. Otherwise, it is simply looked at and perceived as a top-down directive. We would be prepared to accept a time limit for our review, even so much as possibly the bill could be reintroduced in the first fall session. That is all I have to say, thank you.

Madam Chairperson: Thank you very much, Reeve Taillieu.

Mr. Smith: Thank you very much, Mr. Taillieu, for your presentation. The consultation, certainly, over the last period of time, and the resolution that was passed unanimously by the Capital Region mayors, was to draft some legislation, have the legislation brought in, that I know you know.

Certainly, the understanding of this is, as I am sure you know the process in this, this is being referred back to the Capital Region to set up the structure from the bottom up, and certainly, you bring forward at that time what the structure will be and exactly how this Capital Region process will work. The bill will not be completed and drafted until that is done.

The consultation with all the other Capital Region mayors has to be done, has to be brought back to the minister before this is brought forward. So, as far as input and consultation and the structure and the way it is set up, I guess I am misunderstanding. This bill, if it goes through here today, has to have another process where the Capital Region mayors come back with exactly what that partnership will be and how it will be structured. So I guess I am missing in you saying the top-down. If this goes through, the Capital Region mayors have to come back with an agreement of exactly how it will be structured, so can you explain to me the consultation that you will not have?

* (10:00)

Mr. Taillieu: I think to reiterate what the other two Reeves have said; basically, we were surprised to see the bill proceed so quickly. As you know, in the past, we have had several reports. We have had several resolutions and nothing has been acted upon. I think that many of the Reeves and mayors and the City of Winnipeg are not necessarily in favour of the act at this point in time. I think that they cannot see why we cannot operate under a policy system of good faith.

The act is a law, and there are some concerns about whether legislation will actually lead to proper land-use planning or would it lead to service-sharing or would it lead to a more expeditious approval process or will it simply be another hurdle that we have to cross and another government department that has to be processed in order for us to be active in any unilateral subject.

Mr. Smith: The process, as it continues, will have a lot of opportunity for that input. I am sure you are aware that the mayors and Reeves of the Capital Region did unanimously pass a resolution requesting that the Province adopt legislation. After consultation with the leadership of the Capital Region, that has been done in a substantive way and, certainly, there will be a lot of time for process for yourself and others to meet with the Capital Region mayors.

My understanding, and what I have heard very clearly from many of the Capital Region mayors, is, certainly, that they do want this legislation. They do want it formalized, so I guess, maybe, you have not had the opportunity to have input with your Capital Region mayors' committee but, certainly, I have heard quite the opposite of what you are mentioning to me today.

Mr. Taillieu: Thank you for those comments. I guess the Capital Region group has been floundering for so many years that they are unsure of where they want to be. I think that the resolution stated that the act would be brought forward as a partnership, in a partnership group. The actual wording of the act, I guess, has not been brought forward that way. It was simply done, and we appreciate your speed.

We have never had a minister that has acted so quickly after a meeting, and we understood that the government was proceeding with drawing up an act. We thought we would maybe have a chance to look at it before it was actually introduced, but I appreciate what you are saying about following up, dealing with the act at a later date and putting things together.

Mr. Maguire: I guess that was partly my question. The resolution was read by Reeve Forfar. The chairman of your Association of Municipalities indicated that the partnership included the Government of Manitoba, and I guess my question is this: Inasmuch as this bill is being put together to discuss regional concerns of common issues, a lot of those around water, the environment, the items that they list here, land-use planning, environmental issues, water quality and control, infrastructure development, in your association, informally, as you have it right now, with the Capital Region people discussing all of these issues, is it being carried on a voluntary means at the present time?

Mr. Taillieu: It is being carried on a voluntary basis, but nothing has been carried through. Put it that way.

Madam Chairperson: Thank you very much for your presentation, Reeve Taillieu.

Bill 29—The Municipal Councils and School Boards Elections Act

Madam Chairperson: For the information of the committee, we will now move to presenters presenting on Bill 29, The Municipal Councils and School Boards Elections Act.

Doug Dobrowolski, from the Association of Manitoba Municipalities.

You can proceed, Mr. Dobrowolski, whenever you are ready.

Mr. Doug Dobrowolski (Association of Manitoba Municipalities): On behalf of the Manitoba Municipalities, I am pleased to appear before this committee today to outline the Association of Manitoba Municipalities' position on Bill 29, The Municipal Councils and School Boards Elections Act.

The success of a democratic system hinges on the election process. It is essential that the legislation that regulates this process meets the needs of the citizens. Right now, the process for electing Manitoba municipal governments and school boards is governed by an outdated act. The AMM has been urging the provincial government for some time to review the antiquated act and bring it into the new century. For this reason, we are pleased to see Bill 29 introduced and pleased to have the opportunity to put our comments on this bill on public record.

In discussing this issue with our membership, all 199 incorporated municipalities in Manitoba, it became evident that the needs are very different across the province. The City of Winnipeg, which appears before this committee today, and smaller villages and rural municipalities have very different wants and needs when it comes to the election process. For this reason, we are pleased to see a great deal of flexibility built into the proposed act. The legislation-governed elections in this province must facilitate the election process for all municipalities, big and small, and the only way to accomplish this is to allow municipal governments the flexibility to tailor policies based on the needs of local communities.

A prime example of this flexibility is to allow the use of vote-counting machines in the city of Winnipeg. With the total population of 620 000 people, it makes absolute sense to use any system that makes counting of ballots easier. The cost of obtaining this technology will no doubt be offset by the time saved. However, the need for such equipment in a smaller village or town with a population of 1000 people, if they were forced to use this type of technology, the cost would be crippling. We are, therefore, supportive of legislation that allows municipalities to use the systems that are most appropriate for the local needs.

This review is limited, however, and the proposed act does not delve into the more complex issues of electoral and candidate qualifications, and a review of these important issues will need to be undertaken at some point.

While this current revision of the act addresses only the administrative and procedural

issues, it will make the election process easier to administer through straightforward language and simplified rules. With the enhanced flexibility, our association believes the changes made in this new act meet the needs of local governments. Thank you.

Madam Chairperson: Thank you very much.

Mr. Maguire: Thank you very much, Mr. Dobrowolski, for the presentation that you have provided from AMM.

I guess, just a couple of issues. I thank you for your presentation. I wondered if I could ask you a couple of questions around issues of varying-sized municipalities and varying-sized jurisdictions around the province. That is in regard to whether or not your members that represent the city of Winnipeg have indicated whether or not they would like to have people running for City Council here in Winnipeg, be members of the city, living in the city, because, of course, this bill would allow non-residents to do that.

Mr. Dobrowolski: Yes, that is one of the issues the City of Winnipeg, I believe, will be bringing forward in their presentation today is that they believe that, in order to represent that area, you should live in that area.

Mr. Maguire: But AMM feels that, presently, the way the bill is written in regard to non-residents being able to run for, not just to vote, but being able to seek election in a jurisdiction that they do not live in is fine?

Mr. Dobrowolski: Yes.

Mr. Kevin Lamoureux (Inkster): First of all, Doug, let me just thank you for your presentation. I have noticed that the Association of Manitoba Municipalities makes great presentations on a wide variety of bills. I truly appreciate the input that is provided.

I did have a question in regard to this specific bill. One of the clauses would see to it that if a school trustee was wanting to seek office to become, let us say as an example, an MLA, that they would actually have to resign their position as a school trustee. There are those

that would argue that that could prevent potentially good, quality people from being able to throw their hat in the ring because there might be some reluctance in terms of resigning their position. I am wondering if you could give a personal opinion on whether or not you believe that that particular clause could prevent people from entering into the provincial arena.

Mr. Dobrowolski: My personal opinion, I think everyone should have the right to run, but, when I read the act again yesterday, I think there is still some clarification that has to be made on that. So I think there is a lot of work, yet, to be done with that act so that it is a little more clearly spelled out on what you can and cannot do.

* (10:10)

Mr. Lamoureux: Then can you just help me out in terms of should a school trustee have to resign in order to seek elected office as an MLA, or should they be able to continue to run for MLA, and, if they lose the election, continue on as a school trustee?

Mr. Dobrowolski: I think, now, under the current practice, you do not have to resign, but you can take a leave of absence until you actually win the nomination; then, I believe, you have to step down. Just as a municipal councillor, if he was to run for a nomination, then, until they get that actual nomination they do not have to step down. They still hold their seat.

Mr. Maguire: Madam Chair, this bill allows for random and rotational names on the ballots. Excluding the present method of alphabetical, would you feel that alphabetical should be one of the options in there as well?

Mr. Dobrowolski: I do not think we have really, as an amendment, put a position on that. We are either way on that one, I think.

Mr. Smith: Thanks for your presentation, Doug. I really appreciated the fact AMM and you noted it in your presentation to allow the flexibility built into the act. Certainly, for some of the smaller communities in areas and regions that we have across the province, the act, I believe, does address that.

You have mentioned some of the electronic infrastructure that is becoming available out there. Certainly, it reflects in here the possibility if a community would like to use that, not being forced to use it, so, just to make that clear. I believe you know that, but AMM does bring forward the other 198 municipalities outside the city of Winnipeg and some of the infrastructural anomalies that we do have in the smaller communities. So I have really appreciated your input into the modernization of this act.

Madam Chairperson: Thank you very much, Mr. Dobrowolski.

Our next presenter is Val Turner from the Manitoba Municipal Administrators' Association. Ms. Turner, you can proceed whenever you are ready.

Ms. Val Turner (Manitoba Municipal Administrators' Association): Thank you. I have a voice problem this morning, so I hope that it holds out till I am finished.

Manitoba Municipal Administrators' Association is pleased to appear before the standing committee to provide our input and reaction to Bill 29. The MMAA represents chief administrative officers, assistant chief administrative officers and other administrative staff who are employed by municipal corporations across the province.

MMAA was a part of the stakeholders group that reviewed the act, and we are pleased with the outcome of that group. The following are our views in the implications of Bill 29 as our association sees them.

It is clear the current election act is outdated. There was a need to simplify the election process. MMAA supports the change that allows local authorities to appoint one person, the senior election official. Allowing municipalities, small and large, the flexibility to delegate responsibilities to as few or as many election officials as their size municipality dictates is a significant improvement.

MMAA supports the new voting by mail, now called voting by sealed envelope. This will streamline the procedure and increase the time

allowed for returning ballots. Previously, the period between closing of nominations and the election day was inadequate. Our association supports the provisions of the new section allowing certain ballots to be combined before counting. It ensures that the secret ballot process remains.

MMAA also supports the removal of revising day as it was an outdated process that was rarely used by electors. Our association considered the previous tie-vote process too rigid, as most of the time it was agreed by all parties there was a tie. The new act allowing the senior election official the authority to declare a tie vote and call a by-election immediately is a significant improvement. There is no doubt that these changes will save time and money.

An administration issue that remains, which has not been dealt with in Bill 29, is section 22(2) of the proposed new act. This allows no more than two non-resident voters per parcel of land. In order to be included on the list, each of these two persons must file with the senior election official the written consent of the number of persons who, together with the person to be included on the voters list, are a majority of the registered owners of the land. This is a cumbersome process which seems to receive little response when forms are sent to land owners. MMAA passed a resolution at our 2004 conference with proposed changes that would satisfy the purpose for which that section was amended but, at the same time, minimize the election complexity.

Our resolution suggested that the ward system be eliminated in municipalities having an electorate of less than 500 individuals and that it would be replaced with the election of representatives on an at-large basis. This would allow all non-residents to vote and, at the same time, simplify the administration process.

In closing, while the MMAA points out that the additional change that we feel would be beneficial, we nonetheless support Bill 29 and we are pleased with the plain language, simplicity and flexibility of the proposed new act.

Madam Chairperson: Thank you very much. Are there questions for the presenter?

Mr. Maguire: Yes, thank you very much for your presentation in regard to the issue of the two non-residents being somewhat cumbersome in that area—

Madam Chairperson: Excuse me just for a moment. Are you having trouble hearing him?

Ms. Turner: No.

Madam Chairperson: Okay, just looking at your face—you can proceed, sorry.

Mr. Maguire: In regard to that process of clarity, you are feeling that the people coming forward with the—you are having to check to see how many landowners are on that particular piece of property. Is that a problem, or is it cumbersome?

Ms. Turner: The process as it stands, our enumerator at the time sent out forms to all of—if there were more than two landowners on the title, and they were supposed to return the forms. The problem being that they ignore the forms until election day, and then somebody shows up at the poll without the forms saying that they would like to vote and, of course, their name is not on the list of electors.

Mr. Maguire: So, therefore, clearly, they would not be able, no one in that parcel of land would be able to vote. Is that correct?

Ms. Turner: They would have to be sworn in at that time, but the forms would not be filled out properly.

Mr. Maguire: Is it correct that they would have to be filled out ahead of time, or could they bring that letter to the poll at that particular time? My understanding from the bill is that they have to do it a number of days ahead of the election so that they are eligible to vote.

Ms. Turner: I think the process would be that if they brought the forms signed by the other landowners to the poll at that time, they would be allowed, but without the signed form from at least a majority of the other landowners, then they would not be eligible.

Madam Chairperson: Are there any other questions for the presenter?

Mr. Smith: Thank you very much, Ms. Turner, for your presentation. I have got to tell you of all the standing committees I have been in, this booklet and this presentation is by far the nicest that I have seen. I do appreciate your association's input into the bill. I know a simplification in getting more people out to vote has been a concern of yours and ours as well. I do appreciate your input right from start to finish on this bill.

Madam Chairperson: Thank you very much, Ms. Turner.

Ms. Turner: Thank you.

Madam Chairperson: For the information of the committee, we will now move to presenters from the City of Winnipeg. Richard Kachur, City Clerk's Office, with the City of Winnipeg.

Call one more time, Richard Kachur, from the City of Winnipeg City Clerk's Office.

We will now move to the other presenter we have listed here, Mel Graham, Inter-Organizational Access Committee.

Hello, Mr. Graham. You can proceed whenever you are ready.

*(10:20)

Mr. Mel Graham (Inter-Organizational Access Committee): Thank you, Madam Chair. Good morning, committee members. You do not know, I do not suppose, what the Inter-Organizational Access Committee is, so I will just give you very, very briefly what we are about.

We are a group of mostly representatives of disability-related organizations and agencies, including CNIB, Canadian Council of the Blind. I am, for example, the chairperson of the Independent Living Resource Centre, third floor of Portage Place. If you ever want to pop in and visit us, we are a very, very fine facility, and certainly I would like you to see it.

We are involved mainly with visually impaired kinds of issues relating to access. Way-finding in man-made environments, audible signals, that is sort of what we are involved with.

To some extent, we are involved in that program, and there is a project going on with the airport. So it is that sort of thing that we are involved with doing.

But my presentation involves other disabilities this morning. I have sort of scuttled around and got some opinions from elsewhere, so I will be bringing some of those in. My communications with Mr. Smith have made me understand that the government is involved in less prescriptive and more voter-accessible kinds of legislation with regard to Bill 29. I think largely that has been pretty successfully done.

I want to talk to you about 51(3) and (4) in that regard. First of all, though, a bit of a critique in that respect. It appears, if you read 51(4) first, that the convenience of most voters kind of trumps accessibility which is the preceding subsection there. We sort of think that accessibility, you know, could mean the difference between whether a person can vote or not. It probably would not work out badly from the point of view of a practical situation, but I just wanted to flag that.

We also notice that, with regard to accessibility, there are no specifications as to what that actually is from the point of view of a situation of voting. For example, no discussion of electronic door openers, disability parking, that kind of thing, and there could possibly be something in the way of a section like that we feel as well.

In 85(1), an election official may take ballot box. We think that is a good thing. It is discretionary, and that does not entirely square with the right to vote. It may be the only way that a person can vote is if the ballot is taken out for him. We think that is a great innovation and probably should work all right as much as, you know, the person would certainly think about complaints if an election officer would, so they would likely always comply. But, nonetheless, it could possibly be mandatory. I am hearing some opinion to that effect anyway.

The sealed envelope and ease of assisted voting are both very, very good undertakings and we are really pleased to see them. We notice that the act entertains the possibility of

templates. That is also good. There is also the idea that the candidates' names need to be read to people with visual impairments. Particularly in a city like Winnipeg or Brandon or somewhere, that is really very, very important because there is no way you can walk in with, five of nine names in your head and be able to sort of get them down if you are in the booth alone. You have got to have somebody working with you on that.

We notice that the electronic voting idea that we have might be a little premature to put into a bill at this point. I guess I tend to agree with that. I would say, though, that at some point, senior government has got to think about a way in which it is going to decide that voting electronically, as in using a Web site, could be something that they could do. But what are the steps and how are you going to be able to get there? I think that is something that senior governments, not simply Manitoba's, but I think Canada's and other jurisdictions should be thinking about in that respect.

I have got some sort of random things here; 4(a), we would like to replace the "or" with an "and" there, inasmuch as a lot of people who have visual impairments do not read newspapers. But, if they got something in the mail, and it was a notice, they would certainly find out about an election, and they would not miss it that way. I think that would be, probably, a good idea.

There is nothing about candidates' materials in alternative media form. That would be a good thing, too. I think, if there was a possibility of mention of the fact that if you are going to have pamphlets if you are running for office, that they should be available electronically. That is a good way and inexpensive and non-difficult for people to get that done.

Deaf people are mainly concerned about costs. There are certain deaf people: those who lost their hearing and English was not their first language, and those who have never heard and use ASL to a great extent might have some difficulties with the notices about how to get their voting done and would need to bring an interpreter. Who is going to cover that? That is the sort of thing that there may be some direction about that in an act of this kind.

I want to get on to discussing secrecy. Section 65 says, "Every eligible voter is entitled to (a) vote in secret." Now, that is simply not on for absolutely every person in the population who is going to vote. A person, Dave Martin, for example, is simply too incapacitated to be able to do that, so he is an example. I am sure he does not mind my saying that.

But any visually impaired person, I mean, there are lots of them in the population, and so there should be all kinds of ways of making certain that they can vote in secret. It would seem as though 106(1) RULE 3, the part after the "however" there kind of buttresses that. It says there, "However, no ballot is to be rejected because a) the "X" or other acceptable mark is not inside the space . . ." So, in other words, it looks as though it is clear that, simply as long as you are on the right-hand side, you are okay. But, when it comes to voting electronically—I am really sorry that Richard Kachur is not here. In Winnipeg City elections, you have got to hit those two little dots, and it simply does not work very well electronically.

I have been told, by the way, by some friends that the hanging chads business in Florida might have meant that, for the sake of visually impaired people, George Bush became the president for his first term, and that may well be the case. Certainly, all of that electronic voting was installed with the idea of providing more access to voters. This seems to be a problem, inasmuch as, in terms of my own experience, my first two ballots were rejected. People were getting frustrated and flustered around me, and so for the third one I got my wife to come in and we checked it out that way. It is not ideal. This is what I am getting at, and lots of people do not have wives with them when they vote. It is, I think, important that if we are going to have to connect two of anything, it should not be two little dots with an electronic pencil. It should be something more in the line of two vertical lines, because then your intention is clear and there is no problem.

I am wondering if this Bill 29 could need an "All voters equally entitled" sort of a section, and I am sort of thinking of one that might read: "No arrangement or disposition made under this act shall discriminate against the equal access

rights of any voter due to his or her disability, as guaranteed under Canada's and Manitoba's Charter of Human Rights legislation."

Thinking about that, because it seems to me that rights analysis and equality have come quite a long way and, certainly, a long, long way since the last act was put forward, and it would seem to me that when we are having negotiations with people like Mr. Kachur and we had that as an informed part of the act, we would, I think, be able to make a greater case. I mean, human rights legislation provides equal access to goods and services. The Charter of Rights and Freedoms involves no discrimination with regard to laws all across the country, and the white paper on disability that the government put out a couple of years ago emphasizes equal citizenship and societal participation. So we feel that this may be the time for, and we certainly should not go into absolutely every legislation, but this seems to be a good bill for something like that.

Madam Chairperson: Mr. Graham, you have 30 seconds.

Mr. Graham: Thirty seconds. Good. My final point with regard to some communications that I had with Mr. Martindale is just, 65(d), that is, information about how he or she voted may not be disclosed or compelled. I just wanted to flag that the word "compelled" does not work there grammatically. I studied that section fairly closely and it kind of jumped out at me. With "compelled," you need a "who," so you might want to, you know, modify the word "compelled" with an adverbial clause as to what, but you need something more than just "compelled" there. It just does not make entire sense to do it that way.

So that is my presentation. Thanks very kindly.

* (10:30)

Mr. Chairperson: Thank you very much. Are there questions for the presenter?

Mr. Maguire: Well, Mr. Graham, I certainly want to congratulate you on your intensive examination of this act. It is quite a rewrite of the whole election procedure, and I certainly

take into consideration the items that you have mentioned here in regard to the electronic mechanisms in that area. I think it is a credit that you are indicating that perhaps they should be used in the first place, maybe just clarify how they can be used. You have done that very clearly in regard to telling us how we could improve that whole area.

I note in the presentation that we were handed at the beginning of the morning here for the presentations on these bills that one of the items that the City of Winnipeg has recommended be put in the bill to improve it is the use of electronic balloting, or electronic voting, I should say. I am assuming from your discussion that you would agree with that.

Mr. Graham: We actually continue to be of two minds about it. It would seem to be a really good thing to move along, and we would be very much in favour of being a part of any process like that, of course, as a community. At the same time, we are really concerned about the possibility that it could be misused and misdirected by caregivers, well-meaning or otherwise, and certainly the "otherwise," you know, pop up every once in a while. As I say, we think it is something that maybe we should do relatively slowly but we should certainly I think put some effort into. So I would like to see some way that that is done. I am not sure exactly how Manitoba government on its own might do something like that, but there may be a task force or something like that.

Mr. Maguire: One of your suggestions, of course, is, I believe, in regard to the polling situation as in regard to improving the access to the polling areas.

Mr. Graham: Yes, that is true. There are situations that we have run across where polling stations are in difficult locations to find from the point of view of people with visual impairments, or there is a certain amount of equivocation as far as the actual access is concerned with respect to them. We mostly hear about situations here in Winnipeg, but I know that there are rural situations where those sorts of problems are there as well. We just think possibly there needs to be some very significant work done in the area of, before that November date, making sure

that all things accessible to the extent that it is possible are taking into account.

Mr. Smith: Thank you very much, Mr. Graham, for your presentation. I could not agree more on your comments regarding alternative electronic voting technologies. We certainly considered that and looked at it during the drafting of this legislation. Certainly, I think the technology is, as we might say, just around the corner. We did have some concerns regarding some of the security and some of the ability, the concerns in that technology. I believe that it is coming very, very close and it will provide a great tool. But at this time, we did have some concerns on the reliability and security of that. I believe that in a very short period of time, we will be enabled.

As well, I appreciated your comments regarding the voters. Certainly the "friend of the voter" is still in place. It is still there. They now no longer have to complete a form when requesting assistance from another person. We believe that that is going to be a positive, as well, in the legislation. This legislation does not disenable any election site from printing in a larger print, larger font for people with visually impaired disabilities, to have consideration of that voters list. They have the ability to do that in large font and large print; however, Braille, obviously, is not enabled at all the different facilities.

The comments, certainly for folks, certainly on the templates, the comments that you had on templates, we do know that certainly all the templates do not fit properly, that there is a need for some work in that area to assist people in doing that. It is something that will be looked at in the next period of time and considered. I appreciate some of the suggestions that you had on a horizontal line as opposed to filling in the dots and looking at specified slot space. So those things certainly can be looked at in the next period of time, and I appreciate your views on that.

Madam Chairperson: Thank you very much, Mr. Graham. The committee thanks you for your commitment to the democratic process.

Mr. Graham: Thank you.

Madam Chairperson: For the information of the committee, I am going to return to call the last two presenters that did not appear before the committee.

I would like to call Reeve John Holland from the R.M. of Springfield. Seeing that Reeve John Holland is not here, his name has been called twice, he will no longer be presenting.

We will call, once again, for the second time, Richard Kachur from the City Clerk's Office of the City of Winnipeg to present on Bill 29. Seeing that Richard Kachur is not here, that then completes our list of presenters.

Is there anybody else in the audience who has not had a chance to present and would like to present? Seeing no other individuals, that concludes our list of presenters.

* * *

Madam Chairperson: In what order does the committee wish to proceed with clause-by-clause consideration of these bills?

An Honourable Member: Bill 29 first?

Madam Chairperson: Is it agreed to proceed with Bill 29 first? *[Agreed]*

Bill 29—The Municipal Councils and School Boards Elections Act

Madam Chairperson: Does the minister responsible for Bill 29 have an opening statement?

Hon. Scott Smith (Minister of Intergovernmental Affairs and Trade):

Madam Chair, the comments that I have will be brief. I am pleased to introduce the proposed new local elections act for consideration. I propose the act would replace the existing Local Authorities Election Act, the act that enables procedures for electing members of the 199 municipalities and municipal councils and 35 school boards in Manitoba. The goal is to have the new legislation apply to the next general local election, municipal and school board election, of October of 2006.

Completing the legislation well ahead of schedule is, certainly, to ensure that we have enough time to properly train local election officials. We have reviewed the act with input from stakeholders we have heard today, as well as the City of Winnipeg, City of Brandon, Association of Manitoba Municipalities, Manitoba Association of School Trustees, the Manitoba Municipal Administrators' Association, the Manitoba Association of School Business Officials and many interested individuals and groups who took the time to share their opinions with us.

A great deal of changes have been requested by the stakeholder groups attempting to streamline, simplify and strengthen the voting process, recognizing the uniqueness of our many regions, as we have heard here today, and a diversity of the communities. This legislation, I believe, reflects their input and their recommendations.

Madam Chairperson: We thank the minister.

Does the critic from the official opposition have an opening statement?

Mr. Larry Maguire (Arthur-Virden): Madam Chair, I would just like to make some comments in regard to Bill 29 as well, and I know that, having worked on this local elections amendment act, local authorities elections amendment act, back in 2000 with the previous minister, I know that there were changes that were being sought and brought forward for comments at that time by both the City and all the rural municipalities in Manitoba. I believe that the rewrite will clarify some of the wording within a bill.

*(10:40)

I think that there are a few issues, I guess, that I know I have had spoken to me about by some municipal councillors, a couple from AMM, but I think that they deal with powers of individual appointed persons, but that also by appointing a senior election officer also provides a lot of clarity in regard to the responsibilities of the councils in appointing that particular person.

I think it is an opportunity that we have to move forward here with this bill. I know that

there were some recommendations from the City as I know we have had Mr. Eadie's presentation this morning that we have not heard verbally. I believe that he is at the national council meetings in St. Johns, but I appreciate getting the presentation from him in writing. I note some concerns there for sure in regard to procedures and issues around security and, also, as I mentioned earlier in one of the questions, around the residency of a person from the city of Winnipeg actually being a resident as opposed to a non-resident being able to run in the city, but the bill is very clear in regard to allowing the non-residents to vote in that area.

I have a concern that I would like to raise on this bill in regard to seeking an amendment to the fact that we should perhaps add a (c) option in regard to the rotation of voting, whether they are random rotational or the (c) would be adding alphabetical as an option in that process, the same as what we have today, instead of deleting it completely.

So I think that as we go through the bill we will have some questions on it in regard to clarification from the minister on some of those areas and, if at that time we feel there are amendments still needed at the end of this process, we may bring them forward at that time, Madam Chair. So thank you very much.

Madam Chairperson: We thank the member.

During the consideration of a bill, the table of contents, the enacting clause and the title are postponed until all other clauses have been considered in their proper order. Due to the length of this bill and the number of clauses, if there is agreement from the committee, the Chair will call clauses in blocks that conform to the 12 parts of the bill with the understanding that we will stop at any particular clause or clauses where members may have comments, questions or amendments to propose. Is that agreed? *[Agreed]*

Clauses 1 through 7—pass; clauses 8 through 20—pass. Shall clauses 21 through 37 pass?

Mr. Smith: Yes, I have a—*[interjection]* 26(a).

Madam Chairperson: On clause 26(a). So, before we proceed to clause 26(a), clauses 21 through 25—pass. On clause 26, Minister Smith.

Mr. Smith: Madam Chair, there is a slight amendment here. I move

THAT Clause 26(a) of the Bill be amended by striking out "section 29" and substituting "section 27".

Madam Chairperson: It has been moved by Minister Smith

THAT Clause 26(a) of the Bill be amended by striking out "section 29" and substituting "section 27".

The motion is in order. The floor is open for questions.

Mr. Smith: I appreciate the committee's allowing me to give an explanation. We have noted a minor technical problem in the bill, specifically the wrong provision is cross-referenced in clause 26(a). The reference is to section 29 when it should read section 27. The attached amendment is required to make that correction.

Madam Chairperson: Mr. Maguire, do you have a question?

Mr. Maguire: My question was clearly on clarification of that area, and now the minister has clarified it and brought this forward.

Madam Chairperson: All right. Is the committee ready for the question?

An Honourable Member: Question.

Madam Chairperson: The question before the committee is—

An Honourable Member: Dispense.

Madam Chairperson: Dispense.

Amendment—pass. Shall clauses 27-37 pass? Clauses 27-37—oh, I am sorry, Mr. Lamoureux?

Mr. Kevin Lamoureux (Inkster): A question on clause 34(1), Personal security protection.

Madam Chairperson: Just a moment, Mr. Lamoureux, sorry. I need to go back for moment.

Is it the will of the committee to pass clause 26 as amended?

Clause 26 as amended—pass.

Mr. Lamoureux, do you have a question?

Mr. Lamoureux: Just in regard to 34(1), can the minister indicate, is that the same protections that would be offered through Elections Manitoba for a provincial voters list?

Mr. Smith: This does maintain the status quo and clearly outlines that the person may apply to have their personal information obscured from the voters list.

Mr. Lamoureux: Is that consistent with Elections Manitoba?

Mr. Smith: It is.

Madam Chairperson: Clauses 27 through 37—pass. Shall clauses 38 through 50—Mr. Maguire, what clause?

Mr. Maguire: In regard to clause 40.

Madam Chairperson: Just one moment, then, Mr. Maguire.

Clauses 38 and 39—pass.

Mr. Maguire: Well, I note as well on clause 39 that the nomination period that we have just talked about here, I just had a question for the minister. I am wondering if he would mind me going back to asking the question on clause 39.

Madam Chairperson: Is there leave to return?
[Agreed]

Mr. Maguire: I note with interest that in clause 39, the nomination period begins 42 days before the date of the election and ends 36 days before the election date. That is different from the present process, I understand. Can the minister indicate just why they extended that, or do I stand corrected on that?

Mr. Smith: Just to respond to that, this does standardize. There were two different periods of time between the city of Winnipeg and all the rest of the municipalities. This does now standardize the period of time for those municipalities and provides a longer length of time for everyone.

Mr. Maguire: Just to that, obviously, it allows the person to be nominated earlier. It may create a little more interest in an election process if that is your purpose for bringing that in, but I am wondering if it may not work the other way as well. If somebody, over a month ahead of the election—I know in a lot of farming communities, those individuals, I am sure that they would not be making the decision to run that quickly.

There are other provisions in case of persons who have nominated that pass away and that sort of thing, but I note that this is to clarify between school boards, municipal council elections and town elections and so was there a common theme among some of the other areas apart from municipalities that we should move to these particular dates I just brought to the attention of the minister.

* (10:50)

Mr. Smith: We heard quite clearly from administrators that they needed a little extra time to prepare for the elections. Certainly, the standardization of the time makes and clarifies right across the entire province that length of time and gives the administrators the upfront time to prepare for it.

Mr. Maguire: Thank you, Madam Chair. I am assuming, then, Who may be nominated, it says under section 38, "A person may be nominated as a candidate if he or she is, on election day," so, obviously, "(a) qualified to hold the office . . ." Obviously, they would have to be qualified 36 days ahead as well, I assume. Is that correct?

Mr. Smith: Yes, but it does get into the issue of making sure that the person has lived within that region or municipality the six months prior that is requested by the legislation.

Mr. Maguire: So, very clearly, that could be six months prior to the election day, which means that they may not qualify on nomination day, but they could still qualify on election day, if you follow the six-month period, if they just happened to move into the municipality in that 35-day period.

Mr. Smith: As long they have lived in the municipality for six months prior to their nomination.

Mr. Lamoureux: I just wanted to get clarification in terms of what is actually being proposed here and I guess—

Madam Chairperson: Are we still on the same clause?

Mr. Lamoureux: 39, 40?

Madam Chairperson: Yes.

Mr. Lamoureux: Yes. If you have, and I look to the minister to give a clear indication as to what the actual change is. My understanding is, today, that if a school trustee wanted to run in a general election, the school trustee would be able to do so and not have to resign his or her seat as a school trustee. Then, after the election, it is, in essence, up to the school trustee whether or not he or she wants to resign. I understand that the legislation changes this. I am wondering if the minister can precisely indicate how that change would affect a school trustee that is interested in running for MLA, as an example.

Mr. Smith: Just to answer the question for the member, you are running two delineated streams here. One stream, you are asking the question, "Do you have to resign to run for an MLA?" The answer is, no, you do not, whether you are a school trustee or a municipal official. Once you are elected as an MLA, you do have to resign. That is one stream.

The other stream is you are asking, "As a school trustee, do you have to resign to run for municipal council?" I believe you are asking that as well. The answer is, yes, you do have to resign as a school trustee to run for municipal office, and you do have to resign from the municipal office to run for a school trustee.

Mr. Lamoureux: I appreciate that. So the bottom line is, because I think it is really important that I be clear on this, that a school trustee anywhere in the province can be a candidate of a political party, get the nomination, run in a 33-day provincial campaign, and if, in fact, they are not successful, they can continue on. They do not have to resign as a school trustee. That is a really important point to make. Is that correct?

Mr. Smith: Madam Chair, yes, that is, in fact, the case. Certainly, until The Public Schools

Amendment Act, which the House has approved, comes into effect in November of 2006, that will be the case and does come into force for the election of 2006.

Mr. Lamoureux: So can the minister indicate which bill is it then that will prevent that from happening?

Mr. Smith: Just for clarification, this is a technical question, so you will have to stick with me for a bit. This is being moved over from The Public Schools Amendment Act as a consequential amendment into this act which will take effect prior to October 25, 2006, within this act. I am noted by staff that I am correct in that response.

Mr. Lamoureux: So this act will, in fact, enable the legislative authority or put into place a law, ultimately, that would prevent the school trustee from being able to run and being a school trustee at the same time.

Mr. Smith: Can you state that again? You are confusing yourself and me, too.

Mr. Lamoureux: Okay, based on what the minister has said, does this legislation enable, in any way, a school trustee not to be able to run as a candidate and maintain their seat, at least until election day? If they win, they can step down, or you can obligate them to step down. What I am referring to is to ensure that school trustees continue to be able to run as candidates for whatever political party until the election day, and then if they win, yes, they can be forced to step down if one likes, but not to prevent them from running, that is the point.

* (11:00)

An Honourable Member: Madam Chair—

Madam Chairperson: Just a moment.

Mr. Smith: Thank you very much. Again, that explanation was given up front. You are running two delineated sides, one side as if you are either a municipal official or a school board trustee, and you are running either to be an MLA or an MP. Then you do have the ability to run to the point where you are elected, and then you have to resign. On the other side, if you are running as

a school board trustee for municipal office, you do have to resign. If you are running vice versa, municipal office to school board trustee, you do have to resign prior to—

Madam Chairperson: Mr. Cummings.

Mr. Smith: —to be nominated.

Madam Chairperson: Oh, sorry.

Mr. Smith: Just to be nominated.

Mr. Glen Cummings (Ste. Rose): Madam Chair, just to this discussion, I would like to note that it does take away from the public the right to elect who they want in certain circumstances. I have discussed this with the individual that I am about to describe, but we have had an example of where a person ran for both school board and municipal office and was elected to both with significant majority. So local people obviously thought he could do both jobs. Then, bingo. We now have legislation that says that cannot happen. So we could call this the "John Douglas Amendment," if you like, and I will leave it there. But, you know, it does take away the discretion of the public to elect who they want in local offices. In a small community, when they put that much trust in one person, perhaps the conflict is not as great as we might be making it through this legislation.

Mr. Smith: I do appreciate the member that there are anomalies in different areas of the province. Obviously, some people would have a concern with that. Other people would not have a concern with it.

Mr. Maguire: Madam Chair, I guess in regard to what we have just talked about here, I just have a question for the minister in regard to the process. I believe I heard him correctly, but he can clarify it for me again. Is that with the, say, a municipal councillor, if he wants to run for reeve, he has to resign as the councillor at least 36 days ahead of the election for reeve to seek the nomination for the reeve. Is that correct?

An Honourable Member: At least 36.

Mr. Maguire: Pardon me, at least 36 days ahead of the election day.

Mr. Smith: Just for clarification, it is not 46. It is at least 42 days prior to the election day of that by-election.

Mr. Maguire: Yes, pardon me. I stand corrected. I was meaning to say 36. If I said 46, I did it in error. The nomination period is from 42 days before the election to 36 days before the election. So I am assuming that if the individual waited until the last day that he could technically put his nomination forward as seeking the—if he or she is a municipal councillor, and they want to seek an open reeve's position, they would have to resign their council position at least 36 days ahead of the election in order to seek the reeve's position. Is that correct?

Mr. Smith: Madam Chair, no, they have to resign a minimum of 42 days prior to, before an election.

Mr. Maguire: So they must resign before the end of the official nomination period, which I believe is from 42 to 36 days prior to the election, just for clarification.

Mr. Smith: Resigning before the nomination period opens.

Madam Chairperson: Seeing no other questions, clauses 40 to 50—pass; clauses 51 through 64—pass; clauses 65 through 102—pass; clauses 103 through 126—

Mr. Maguire: Yes, I am just wanting some clarification in regard to the by-election to be held on the request of the council, and 105(3) states that the senior election official—I am looking for the correct wording here.

Madam Chairperson: What clause are you on, Mr. Maguire?

Mr. Maguire: You have a provision 105 under The Municipal Act in the new provisions.

Madam Chairperson: Mr. Maguire, clause 105(1), is that what you are referencing?

Mr. Maguire: Just one moment.

Madam Chair, I am looking at the spreadsheet that was provided by the minister and department. I guess I am looking at, perhaps, an incorrect number. We are looking at section 105(3), but that may refer to the old Municipal Act. There is no 105(3) in the bill in regard to whether—my comment or question was going to be around the council's ability to set election dates and that sort of thing, but I wonder if they can clarify or provide where section 105(3) got to.

Mr. Smith: I believe the member is referring to, if he turns to page 92, which is a consequential amendment act that we will be dealing with later in the bill. We are not quite there yet.

Madam Chairperson: Mr. Maguire, did you want to save your question until then?

Mr. Maguire: Yes, I will.

Madam Chairperson: Clauses 103 through 126—pass; clauses 127 through 139—pass; clauses 140 through 148—pass. Shall clauses 149 through 152 pass?

Mr. Maguire: Yes, in regard to Mr. Eadie's concern, I would like to refer to his presentation on public records and seek the minister's comments, I guess, in comments to this particular section. It seems to be the last item that they have requested some input in. It is also outlined in, I believe, Appendix A, No. 4, that they have applied, as well, wherein section 34, the words they wanted to add after section 34, and I quote, "and excluding any personal information other than the voter's name and address." I think they feel that really the persons coming to seek information at a public record on who can vote may only be entitled to the name and the address of that particular individual, and they are concerned about inappropriate utilization of that information, it would seem.

I would urge the minister to consider that as an amendment because it certainly would appear as if that might be all that they would need. I just wondered if he had thought of that, or raised it as an issue.

* (11:10)

Mr. Smith: It does not include the voters list. It only includes, in the poll book, the name and address of the individual.

Mr. Maguire: So the minister is saying that these public records, that is all that is actually in them. I mean, they do have access to Elections Canada, Elections Manitoba, to seek the information. I think that the concern of the City here was that other information would, certainly, not be part of the public record. If the minister is confirming that, well, then, it would take care of that.

Mr. Smith: The member is right. It will not be part of public record.

Madam Chairperson: Clauses 149 to 152—pass; clauses 153 to 165—pass; clauses 166 to 168—pass.

Mr. Maguire: I would still like to ask the question in regard to 105(3) that I was asking about before, in regard to senior election officials must hold a by-election when requested—

Madam Chairperson: Is there leave of the committee to revert back to clause 158? Is there leave from the committee? *[Agreed]*

Mr. Maguire: Madam Chair, I just bring this up because this particular area looks at the senior election officials hold an election when requested to do so by the council. I know it states that these—I do not know whether the "when" refers to the actual date. Is this saying that the municipal council or school board, in this case, or town council would tell the senior election officer when the dates for by-elections would be held, or is it up to the senior election official to set the date themselves?

Mr. Smith: Just to clarify for the member from Arthur-Virden, the senior election official must hold a by-election when requested to do so by council, so council must request the senior election official to hold the election, and it must be done as soon as reasonably practicable. The senior election official will set that date.

Madam Chairperson: Seeing no other questions, the table of contents—pass; enacting

clause-pass; title-pass. Bill as amended be reported.

Bill 35—The Capital Region Partnership Act

Madam Chairperson: For information of the committee, we will now move to Bill 35.

Does the minister responsible for Bill 35 have an opening statement?

Mr. Smith: Just a brief explanation. Certainly, I am pleased to be dealing with Bill 35, The Capital Region Partnership Act. The Regional Planning Advisory Committee recommends the Province adopt legislation from the partnership with the regional capital of municipalities.

The mayors and the reeves of the Capital Region did unanimously pass a resolution requesting the Province to adopt this legislation after consultation with the leadership of all Capital Region municipalities. The proposed bill responds to the RPAC recommendations and the mayors and reeves' request without being topped down. It enables the establishment of the partnership, but gives the municipalities in the Capital Region the opportunity to certainly shape that partnership.

The legislation facilitates creation of the Capital Region Partnership with a mandate to foster positive regionalism, mutual understanding and co-operation and promote regional thinking and collaboration, and, as we have heard here today, sharing information, discussing issues of mutual concern, developing ideas for regional action, conducting research and analysis, agreeing upon common approaches to shared problems. This bill certainly addresses a lot of the concerns. We have seen mayors of the Capital Region in forming a formalized partnership and a mandate to specifically get to all these aforementioned mandates.

Madam Chairperson: We thank the minister.

Does the critic from the official opposition have an opening statement?

Mr. Maguire: Madam Chair, I just want to say that I note as well, as the minister has indicated, that there was a unanimous resolution brought

forward by the Capital Region councils around the city of Winnipeg and municipal councils. It was to create a partnership in this group, and it did include the Government of Manitoba.

I think the reference this morning by the presenters was that they were hoping to see more on the table in regard to what the government's commitment was toward the particular bill that is placed before us, including a financial obligation. I know that the minister has indicated that, once the councils and cities make the unified presentation to them, he has indicated that there would be a financial contribution coming forward, that the 250,000 is not necessarily the top end of what he has indicated. There may be more than that that he is willing to put in as a Province on it as well.

I note, though, in speaking with a number of them, that while they were pleased that there has been a recognition by the government that they wanted to move forward with this type of a bill, they were feeling somewhat left out in regard to the drafting of the actual legislation; not chastising the government so much for bringing it forward, as the lack of input that they had in actually drafting the bill.

*(11:20)

So I think that they are apprehensive only because it is a bit difficult to start off a new bill with a lack of consultation on that process. That is a concern to me, as an opposition member in rural development in Intergovernmental Affairs. I think that it is imperative upon the government that, if they really want to discuss these issues with these particular municipal bodies, that it would have been, at least, more of a formality. I would have thought to have included them, sent them a draft of the legislation, discussed the issue with them, called them in to do that, at least in the development of the actual bill. Of course, we may have been able to clarify some of the amendments that were brought forward this morning by the members from their mayors and reeves of the Capital Region presented by representation by their chair, Don Forfar, this morning.

So I look forward to the minister dealing with some of Mr. Forfar's concerns in regard to

this issue, I think a number of these issues as the bill moves forward and as they begin to draft their presentations to the minister. I think that the concern they have is, I mean they do not have a concern in drafting a unified position to bring forward, but I believe that once the legislation is passed, then that is the proper process that they will have to go through at that time. They do not mind doing that. I think they just feel that that should have been done in some kind of a consultation prior to the bill coming in and going into force. It would have, perhaps, just made them feel like there was somewhat more inclusion in the process.

So, with that, I look forward to any amendments that the minister may have to this bill as we move forward.

Madam Chairperson: We thank the member. During the consideration of a bill, the preamble, the enacting clause, and the title are postponed until all other clauses have been considered in their proper order. Also, if there is agreement from the committee, the Chair will call clauses in blocks that conform to pages, with the understanding that we will stop at any particular clause or clauses where members may have comments, questions or amendments to propose. Is that agreed? [*Agreed*]

Shall clauses 1 through 3 pass? Clauses 1 through 3 are accordingly—Mr. Maguire.

Mr. Maguire: Madam Chair, I would urge the committee to look at one of the suggestions that was made this morning in section 3(4) brought forward by the councils, and that is that we look at the suggestion they had made.

I will just read the section: "The report may be made even if the mayor or reeve of the municipality listed in (1)"—change "does not participate" to "chooses not to participate in the development of the recommendations"—rather than "does." I am suggesting that I would put that forward as an amendment.

Madam Chairperson: Are you moving an amendment, Mr. Maguire?

Mr. Maguire: Well, I will move, then, seconded by the member from Ste. Rose,

THAT the—

Madam Chairperson: Just a minute, just hold on a second. Are you moving an amendment to clause 3?

Mr. Maguire: Yes, I am.

Madam Chairperson: Okay, before you proceed, is there agreement from the committee? Clauses 1 and 2—pass.

Mr. Maguire, you may move your amendment.

Mr. Maguire: Yes, I move, seconded by the member from Ste. Rose,

THAT we make an amendment to section 3(4) that "The report may be made even if the mayor or reeve of a municipality listed in (1) chooses not to participate in the development of the recommendations," rather than "does not".

Therefore, in that subsection, we would replace the word "does" with the word "chooses" and add "to" prior to "participate" so that it reads, listed in (1) "chooses not to participate."

Madam Chairperson: Mr. Maguire, we need just a moment for Legislative Counsel to proceed with your amendment, so if we could just have a moment?

Mr. Cummings: Madam Chair, just while that is being undertaken, that is one of the issues around process that we are involved with. We have had presentations that recommend changes to bills. I mean, it is not unusual. It has happened for decades—

Madam Chairperson: Mr. Cummings, you just have to wait a moment, because are you speaking to the amendment?

Mr. Cummings: No, I am adding an explanation as to why the amendment is coming now as a result of presentations that we have just heard.

Madam Chairperson: I am sorry. If you could just hold on for one moment. We are just going to proceed with Legislative Counsel drafting your amendment and then we can proceed. Okay? Thank you very much for your patience, committee.

Mr. Vice-Chairperson in the Chair

* (11:30)

Mr. Maguire: There are a few amendments that I do want to bring forward, and I seek leave of the committee to see which way they wish to proceed. If they wanted, we could bring those forward, having just received them in committee this morning, or we can move the one that we have here right now. We could do that for sure, and then we can give Legislative Counsel some time to draft the other amendments. It would only take a few minutes, I believe.

Mr. Vice-Chairperson: Are the other amendments to clause 3?

Mr. Maguire: No, there are no further amendments to clause 3. Just the one that is before us, so we could deal with this, and then pass clause 3 if the minister wishes.

Mr. Lamoureux: Just to give brief comment on the amendment. I see the amendment as a positive thing.

Mr. Vice-Chairperson: Excuse me. We are not debating the amendment yet.

Mr. Maguire, would you move your amendment?

Mr. Maguire: Mr. Chairman, I move, seconded by the member from Ste. Rose

THAT Clause 3(4) of the Bill be amended by striking out "does not participate" and substituting "chooses not to participate".

Motion presented.

Mr. Vice-Chairperson: The floor is open for questions.

Mr. Smith: Certainly, this being brought forward is somewhat perplexing. It is not a friendly amendment. It certainly does not change the intent whatsoever, as far as I can see.

Maybe the member can explain to me or explain to this committee exactly what "chooses not to participate" and "does not participate," the difference in that would be. It is the exact same

intent, certainly in my mind. It is perfectly clear as written, and "chooses not to participate" and "does not participate" is the identical meaning.

Madam Chairperson in the Chair

Mr. Maguire: Well, we have put this forward as an amendment on behalf of the association of councillors and reeves and mayors and reeves in the Capital Region, as they presented it to us this morning, simply to perhaps soften the intent of the clause that the minister has put forward. I think that there is a feeling that this would be more inclusive and perhaps they feel somewhat intimidated by the do's. They have to do that, as opposed to giving them more flexibility in being able to choose.

So we see quite a difference in regard to the meaning and the intent of the two clauses, Mr. Chair, Madam Chair, I should say. So that is why we have brought it forward at this time. It is simply to provide some clarity in regard to the intent that the mayors and councillors, the mayors and reeves read into this bill.

I just want to close by saying it is probably one of those things that, you know, if they would have just had a chance to have a look at the draft, the minister may have made a change. I do not think it would have been a big thing. But they have just brought it forward as an opportunity here to voice some of their concerns on this piece of legislation.

Mr. Smith: I know the members would like to bring forward every amendment that is brought forward by groups. Certainly, in this case, this wording is very, very clear in my mind. "Chooses not to" and "does not participate" are identical. That you choose not to participate, or that you do not participate is, in fact, your choice. If it is their choice not to participate, this wording says, "chooses not to participate." It is identical and, quite frankly, the amendment, I believe, does not make any change whatsoever to the intent. The intent was the choice to participate. If you do not participate, that will be your choice. I do not believe that needs to be in wording.

Mr. Cummings: Well, the minister will have the majority in the committee and can choose not to support the amendment. I had the pleasure

of participating in this regional structure for a number of years, and it always functioned on good will, co-operation and respect for various jurisdictions. I know that no one around this table is going to say that it should function otherwise.

It seems to me that we could demonstrate with this change that is being requested by a presenter here today that it truly is not the intent of the government to use the hard hand of authority to force this function in a particular way. If he does want that power, it should say so.

My only concern, not the only concern, but the main concern I have heard expressed by people from the region, those who have been involved, is that does this become a platform for a form of regional government that could be further legislated? This would be a gesture by the government to show that they are not contemplating that route, and they do wish to continue with a co-operative approach. I leave that for the minister's consideration.

* (11:40)

Mr. Smith: I could not agree more with the co-operative approach that has been with this group. Certainly, some of the recommendations that were brought forth were considered, and as I had mentioned prior, amendments will be made certainly to this bill forthcoming.

In this particular case, I can quite clearly state that, as the report was made, mayors and reeves may in many cases—the terminology "may"—participate in the drafting of the legislation being brought back to the minister. But, in this case, and I am specifically talking about this case, as far as consultations and others go, there was a lot of opportunity and a lot of consultation done from December 9 of '04 meeting with the mayors and reeves, considered their request for this bill. Certainly, on February 24, '05, consideration of what the bill would entail and met again in mid-April. Again, for what this bill entails, it is quite clear to me of the optional provisions that were put in here.

This specific amendment does not change the intent, and it certainly does not clarify or preclude in any way the ability for someone to

choose to participate. Quite frankly, "does not participate" and "chooses to participate" is the same thing. It is identical; it is written in the bill. If you do not participate, that is quite clear. It is very obvious that you have chosen not to participate. So I cannot support this particular amendment because of the identical intent of it.

Mr. Lamoureux: The minister, in essence, makes the point as to why it is that this amendment should not, in fact, pass. If the provincial government is of the opinion that it does not change in any fashion the legislation, and then you have Mr. Forfar, who happens to be the chair of the Mayors and Reeves of the Capital Region, who has requested the change, it takes away the idea of, as the member from Ste. Rose talks about, that heavy-handedness of a provincial government coming in.

The minister, because I detect that likely will not pass the amendment, will have an opportunity in third reading to amend the legislation. I would suggest that if, in fact, it does not pass, that the minister talk to Mr. Forfar and see just how important it is. It might be a positive gesture on the government's part to extend and make that phone call.

Mr. Smith: I believe that, when we look at the wording "chooses," it actually narrows the scope of what this bill does somewhat. If, in fact, someone was incapacitated and did not choose but did not participate for whatever reason, that is identified in this bill. Putting the word "chooses," if someone was incapacitated and it was not their choice, did not participate, I believe that, quite frankly, narrows the scope of the wording in the bill. If you do not participate for whatever reason, whether you choose to or whether you are incapacitated or whether there are other reasons that are out there, certainly if you do not participate in this bill, the choice of the word "chooses," I believe, narrows the scope.

Madam Chairperson: Is the committee ready for the question?

An Honourable Member: Question.

Madam Chairperson: The question before the committee is as follows: It has been moved by Mr. Maguire

THAT Clause 3(4) of the Bill be amended by striking out "does not participate" and substituting "chooses not to participate."

Shall the amendment pass?

Some Honourable Members: Yes.

Some Honourable Members: No.

Madam Chairperson: The amendment is accordingly defeated.

Clause 3—pass. Shall clauses 4 and 5 pass?

Mr. Maguire: As proposed by the same group this morning, the Capital Region presentation from the mayors and councillors and with Mr. Forfar, I would like to move as well the recommendation that they have made in section 4(1) to remove "unique and" prior to the word "significant", and further recommend at the end of section 4(1), if I might make the—

Madam Chairperson: Just a moment, Mr. Maguire. We need to move the amendment that you have here, and we need to pass that amendment first. Just hold on a moment, okay.

Mr. Maguire, prior to proceeding with the amendment that you have, Minister Smith has an amendment he would like to propose to clause 4.

Mr. Smith: Thank you very much, Madam Chair. In section 4(1) I move

THAT Clause 4(1)(b) of the Bill be amended by striking out "unique and".

Madam Chairperson: It has been moved by Minister Smith that clause—

An Honourable Member: Dispense.

Madam Chairperson: Dispense. The motion is in order. Debate can proceed.

Mr. Smith: Certainly, in this particular clause, the mayors and reeves have asked for this. It is something that, certainly, we can agree with. It does not change the intent, and a wording change in this case is minor and does not narrow the scope in any way of the intent.

Mr. Maguire: I am really glad that we have established that we will pass this unique resolution, the one that the minister chooses to bring forward, the one that I just brought forward—

An Honourable Member: It is the wrong name, that is all, Larry.

Mr. Maguire: I guess it will not be the Maguire Act. But, anyway, of course, just having brought that amendment forward, we would agree with the minister on bringing this forward, so, therefore, look forward to passing this amendment.

Madam Chairperson: Shall the amendment pass?

Some Honourable Members: Pass.

Madam Chairperson: The amendment is accordingly passed.

Shall clause 4 as amended pass—Mr. Maguire.

Mr. Maguire: Madam Chair, I would like to move

THAT at the end of Clause 4(1), after the words "partnership be established", the words "make recommendation"—wait one moment, make sure we are in the right area—the words "with the membership and organizational and governance structure as recommended in the report" be added.

Madam Chairperson: Do you have copies, Mr. Maguire?

Mr. Maguire: Yes.

Madam Chairperson: Can they be distributed to the committee? Just one moment, we are just going to wait for Legislative Counsel, okay?

Just for the information of the committee, the Legislative Counsel will require a couple minutes just to proceed with the amendment in written format.

Could I have the attention of the committee members? While we are waiting, we had agreed

previously that at twelve o'clock we would reconsider what the will of the committee is. What is the will of the committee?

* (11:50)

Mr. Doug Martindale (Burrows): Well, Madam Chairperson, I am open to advice from the opposition caucus because they may know how many amendments are coming, but I guess I would prefer to see us stay until we pass the bill, but it would be interesting to know how many more amendments are coming.

Mr. Peter Dyck (Pembina): Well, if the committee does not sit too long, I think we would choose to finish. Is that a good choice of words?

Madam Chairperson: Excuse me. Is it the will of the committee—Mr. Maguire.

Mr. Maguire: Yes, it is the will of the committee to sit till we have the amendments. There will not be that much more, Madam Chair, and I think we could pass this bill, get it through.

Madam Chairperson: We will continue until the bill is completed. Agreed? *[Agreed]* Thank you.

Mr. Maguire, you can proceed to move your amendment.

Mr. Maguire: I would like to move the amendment

THAT Clause 4(1) of the Bill be amended—

Madam Chairperson: Order. Just a moment, please. I am sorry. I need to be able to hear the amendment as it is being put forward. Please proceed, Mr. Maguire.

Mr. Maguire: Thank you, Madam Chair. I would like to move

THAT Clause 4(1) of the Bill be amended in the part after clause (c) by adding "with the membership and organizational and governance structure as recommended in the report" at the end.

Madam Chairperson: The amendment is in order. Debate now may proceed. It has been moved by Mr. Maguire—

An Honourable Member: Dispense.

Madam Chairperson: Dispense.

The amendment is in order. Mr. Maguire did you want to make a statement first?

Mr. Maguire: Yes. Madam Chair, I would just like to make sure that it is clear that this addition that I have brought forward would be after the word "established" at the end of section 4(1) after section (c), and after the final words of that clause. So I just leave it. Thank you.

Mr. Smith: The member brings forward something that was brought forward pretty much verbatim from the mayors of the Capital Region. The committee needs to understand that in the legislation the municipalities that are identified in there certainly have been a working group that has been around for a period of time.

With this change, with the membership as recommended, the needs to understand the implications of an inclusion of other municipalities would not be allowed. The Province certainly needs to identify what implications those would have on other municipalities that are not listed, certainly in the working group of the Capital Region as it has been established over the last period of time. It would narrow the ability for the Province to consider any municipality that was included in a final report as recommended, whether that municipality was wanting to be recommended in the report or whether they were not.

* (12:00)

So this, in fact, really puts the implication on a municipality that may or may not want to be recommended in the report, having no option but to be included. The implications of that could be many on a municipality, other than the ones that are listed, and certainly would disallow the flexibility for the Province to consider that report and the implications on both that municipality and the people and ratepayers in that municipality. That would, quite frankly,

impede on others in a potential negative way, and certainly the Province needs to know those implications prior to the final report.

The Province, having the ability of "may," will be able to consider and look at the report and consult with all municipalities, whether or not those municipalities were in agreement of that report, and whether or not it was the assumption by a municipality that may be included, that they would be included in that report. So the implications could be many on many people around the Capital Region if, in fact, the final report came in and there are municipalities surrounding the Capital Region now that were included in the report. The Province would have no ability to deal with that matter. So, including that with the membership, as recommended in the report, is not something that would be without possible implications on ratepayers or others surrounding the Capital Region, so to include that is not something that I could agree with.

Mr. Maguire: Madam Chair, that is precisely why I brought this clause or amendment forward on behalf of the members of the mayors and reeves. It is because, under the proposed act, there is a concern that Cabinet will not be able to establish, as Mr. Forfar said this morning, a Capital Region partnership without submitting a report to the minister.

Clearly, there is a need to allow organizational government structures to make that presentation to the minister before any action of the bill can be brought forward. This certainly does not prohibit any other councils from becoming a part of it if there was a wish by the present group under the Capital Region to add others to it. That would be part of their recommendation to the minister. I have brought this forward on their behalf with the opportunity to add this, too, just to provide more openness, I guess, if you will.

I think that is why the presentation was brought forward to us this morning, just to clarify the request, that it actually opens up the ability of others to be a partner in this, and also allows a more open clarity in regard to an interactive partnership in establishing the bill.

Mr. Smith: Madam Chair, certainly, as the bill was written, it would not preclude others from becoming members within that Capital Region, but certainly, if there was someone in the Capital Region that had chosen not to, or there were large implications on that certain municipality or region, that would be something that would be a concern if the membership, as recommended in the report, was the only option.

Chances are many of those municipalities would certainly want to be included in that Capital Region, but, as this is written, if in fact there were implications on someone that did not want to be included, there would be a potential problem on that side. The Capital Region will have the ability—and we are assuming both positive and negative on this—the ability for the Province to include that report without considering the implementations on that final report of how it would impact some of those municipalities or regions. So that is specifically why we could not have this amendment included. As written now, if in fact there were others there were included in the Capital Region and there were no implications, there would not be a problem. But, if there were implications, we would have to accept the report without the consideration of that. So that is the reason we did not include that, did not consider that amendment.

As written now, if in fact there were others that came in to the Capital Region report that, in fact, were in full agreement with it, certainly that would be something we could consider. We could consider the positives of that and implications would not be a problem, but if, in fact, there was one region or one municipality where there were implications and they had not wanted to be in the report, it certainly could be a negative for that certain municipality, as well as the other regions that could possibly want to be included in the Capital Region, certainly would narrow the scope of the ability for those communities. It would limit their ability to come into the Capital Region, as this membership recommended in the final report and into the future.

Madam Chairperson: Is the committee ready for the question?

Mr. Maguire: Well, I only want to say again that the reason we brought this forward is because the members out there, the people that are involved in this bill, feel that once they do bring a report to the minister—and I did not recommend that we remove the word "may" and replace it with "must," "must recommend to the Lieutenant Governor that the Capital Region Partnership be established." But I am, on behalf of the associations and rural municipalities and councils, bringing forward this amendment so that the minister—it provides more clarity—has to be very involved in bringing forward their recommendations that are made to them, because this is not an option as the bill is presently written.

So I think they just felt that they could have maybe a greater stake at the table and a greater clarity if they had this clause included. So thank you, Madam Chair.

Madam Chairperson: Is the committee ready for the question?

Some Honourable Members: Question.

Madam Chairperson: The question before the committee is as follows:

THAT Clause 4(1)—

Some Honourable Members: Dispense.

Madam Chairperson: Dispense. Shall the amendment pass?

Some Honourable Members: Pass.

Some Honourable Members: No.

Voice Vote

Madam Chairperson: All those in favour of the amendment, please say yea.

Some Honourable Members: Yea.

Madam Chairperson: All those opposed to the amendment, please say nay.

Some Honourable Members: Nay.

Madam Chairperson: In my opinion, the Nays have it. The amendment is accordingly defeated.

* * *

Madam Chairperson: Shall clause 4 as amended pass?

Mr. Maguire: I would like to propose an amendment, Madam Chair.

Madam Chairperson: We are still on clause 4, right? Okay. Please proceed, Mr. Maguire.

Mr. Maguire: *THAT Clause 4(2) of the Bill be amended in the part before clause (a) by adding "consistent with the report of the mayors and reeves."*

Madam Chairperson: Mr. Maguire, if you could read that one more time, please.

Mr. Maguire: Just one moment.

Madam Chairperson: Okay. You are requesting a moment, please. That is fine.

Mr. Maguire, are you going to read the amendment again?

Mr. Maguire: Yes, I will reread this amendment.

THAT Clause 4(2) of the Bill be amended in the part before clause (a) by adding "consistent with the report of the mayors and reeves" at the end of that section.

Madam Chairperson: Thank you, Mr. Maguire.

It has been moved by—

Some Honourable Members: Dispense.

Madam Chairperson: Dispense. The motion is in order.

Mr. Smith: Madam Chair, in there by adding "consistent with the report of the mayors and reeves" at the end, certainly, we would not know what was in the report until we saw it. I am sure the member would not want to see in

there that every mayor and reeve gets a new car on behalf of the Province of Manitoba or whatever wording may be in there, until we see it. So, certainly, we must ensure that the report is consistent with the principles set out in the legislation and, certainly, by the inclusion of "consistent with the report of the mayors and reeves" at the end would not enable, certainly, the Province to know what was in the report prior to seeing what might be suggested in that report and narrow the scope and the ability of the Province to make sure it is consistent, certainly, with the principles set out in the legislation. So I must speak against the amendment.

* (12:10)

Mr. Maguire: Well, Madam Chair, I would speak in favour of the amendment because, of course, it would have been a more appropriate amendment, I believe, if we had passed the last amendment and had it allowed. The mayors and reeves were looking at recommendations consistent with the report, but we are under the section regulations and I am advised that that would change the intent so we have left that in. But I think being consistent, just by adding "consistent with the report of the mayors and reeves," the minister is still going to have discipline in regard to the decisions that they make so this clause only provides the opportunity for their voice to be brought forward in a more clear manner.

Madam Chairperson: Is the committee ready for the question?

An Honourable Member: Question.

Madam Chairperson: The question before the committee is as follows:

THAT Clause 4(2) of the—

An Honourable Member: Dispense.

Madam Chairperson: Dispense?

Shall the amendment pass?

Some Honourable Members: Yes.

Some Honourable Members: No.

Voice Vote

Madam Chairperson: All those in favour of the amendment passing, please say yea.

Some Honourable Members: Yea.

Madam Chairperson: All those opposed to the amendment, please say nay.

Some Honourable Members: Nay.

Madam Chairperson: In my opinion, the Nays have it. The amendment is accordingly defeated.

* * *

Madam Chairperson: Clause 4 as amended—pass; clause 5—pass; clause 6—pass; preamble—pass; enacting clause—pass; title—pass. Bill as amended be reported.

What is the will of the committee, the hour being 12:10? Committee rise.

Thank you for your work, committee.

COMMITTEE ROSE AT: 12:10 p.m.

WRITTEN SUBMISSIONS PRESENTED BUT NOT READ

Re: Bill 29—The Municipal Councils and School Boards Elections Act

On behalf of my colleagues on Winnipeg City Council and our City's administrative officials, we appreciate the opportunity to provide commentary to the Legislature on this bill. As municipal legislators, we recognize how difficult it is to write complex legislation and we acknowledge that an undertaking such as this can be an onerous one when trying to address the needs and practicalities of small rural areas as well as a large urban centre such as the City of Winnipeg. To this end, we wish to commend the manner in which this review was done and greatly appreciate the fact that a review team comprised of elected as well as administrative officials from municipal governments and school boards were able to work with provincial officials on writing new municipal election legislation for Manitoba.

The Local Authorities Elections Act was not only dated, but also inconsistent in several areas and not readily interpreted. The new Municipal Councils and School Boards Elections Act is written in plain language and is well organized, facilitating related reference.

We recognize that there is a conscious effort to parallel practices included in the provincial legislation, which we believe is appropriate. However, we note that, overall, the proposed new legislation continues to be particularly prescriptive, often dictating administrative processes.

More importantly, the new legislation enables increased voting opportunities which act to change elections from an event to an ongoing process so as to encourage greater participation from electors.

We are hopeful that this proposed new legislation will continue to evolve as election practices themselves change, in particular with respect to technology issues, so as to meet the needs of the electorate. At present, Bill 29 does not recognize nor permit the implementation of Internet voting or alternative electronic voting methods and we are disappointed in that omission from this legislation.

Having carefully reviewed Bill 29 with our municipal election officials, the City of Winnipeg is pleased to provide some commentary on some specific sections of the Bill, and we also wish to propose some amendments that we would like to have made to this bill during your committee's deliberations. Our suggested amendments are shown attached as Appendix A on this brief.

Establishing identity

7(1) We welcome the provision which requires persons to establish their identity on request. This will strengthen our ability to ensure that only eligible electors have their names included on the voters list, and we further believe this will maintain the electorate's confidence with the integrity of the voting process.

Appointments

10 – 13 Although each elected authority must appoint a Senior Election Officer, they are

no longer required to undertake this by bylaw and can appoint by position. We are pleased to see the removal of the myriad of former prescribed election positions in favour of one title, that of Election Official.

Persons with no fixed address

21(3) The new provisions allow homeless persons to vote.

S.E.O. to establish and maintain voters list

23(1) Establishment of a continuous voters list in electronic form is strongly supported.

Procedures for voting (for a person who is given a personal security certificate)

34(7) This provision lessens opportunities for voters who have had their name and address omitted or obscured from the voters list. In this new section such a voter can only vote by sealed envelope ballot upon presenting his/her personal security certificate to the senior election official. Currently, voters with their names obscured from the List of Electors can choose the manner in which they cast their ballot.

Candidates entitled to copy of voters list

37(1) This new provision allows the Senior Election Officer to provide candidates with the list in electronic form and in a timely manner in keeping with the campaign period provided for in The City of Winnipeg Charter Act.

Who may be nominated

38 We note that non-residents of Winnipeg are still allowed to run for municipal office in the City of Winnipeg despite the concerns expressed by the City during the review process about this flaw in the legislation. The City of Winnipeg strongly believes that any person wishing to run for municipal office in the City of Winnipeg must be a resident of the City of Winnipeg as well as possessing the other qualifications required of a candidate.

Since there are a number of Consequential Amendments being made to other statutes that are included in Bill 29, the City of Winnipeg requests during your committee's review process of Bill 29 that you amend Section 23(1)(c) of The City of Winnipeg Charter Act by deleting the word "province" and substituting the word "city." This should not be considered a difficult

or complicated amendment and, if enacted, would have the result that only City of Winnipeg resident electors would be entitled to run for municipal elected office in Winnipeg. The complete text of this suggested amendment is shown on the attached Appendix A, item No. 1.

Nomination period

The provision of a set standard nomination period is an appropriate change.

More than one by-election on the same date

40(3) This remedy to allow for concurrent by-elections is logical, and in response to the City of Winnipeg's request. This will allow the electorate to be better served.

Restrictions: voting place

51(5)(c) We make the comment that restrictions on the use of any premises in which a candidate has an estate or interest seems unnecessary and would probably be difficult to determine, especially in leasing situations.

Ordering of names

55(2) We are surprised to see that in Bill 29 there is no provision allowed for the alphabetical listing of candidates' names and we do not understand why this particular option would not be allowed along with other options contained in this Bill. There are no conclusive studies on issues surrounding alphabetical listing as opposed to other forms of listing when it comes to voters' voting practices. We believe that the option for alphabetical listing of candidates' names should be retained in Bill 29, and we therefore request that you amend this section by adding option (c), alphabetical. The complete text of this suggested amendment is shown on the attached Appendix A, item No. 2.

Use of counting machines

62(1) While this provision ensures that the City of Winnipeg can continue to utilize its current vote counting machines, we are disappointed that the legislation does not allow the City to embrace some of the new voting technologies such as Internet voting and touch screen technology.

We had suggested during the review process leading up to Bill 29 that the language in the act should recognize that this type of voting

technology is advancing rapidly and has been used successfully in other Canadian and international municipalities.

Notice in Winnipeg and other prescribed authorities

67(1) This provision continues to require a voter's notice to be mailed or distributed to each eligible voter on the voters list. The City of Winnipeg once again requests that this section be amended to provide that the voter's notice be sent to the household, which notice would contain information as to where the eligible voters in the household can go to vote. This would allow for better information to electors and would result in significant reductions in mailing costs. The complete text of this suggested amendment is shown on the attached Appendix A, item no. 3.

Advance voting and mobile voting stations

89-94 The provisions related to alternative voting opportunities will expand the opportunities for the electorate to cast their ballot and promote a healthy participation.

Voting by sealed envelope

95-101 Changes to the former Vote by Mail provisions greatly enhance alternative methods of voting, in particular, allowing a family member to be designated to deliver the sealed envelope ballot package 97(4). However, as earlier noted, Section 34(7) in this bill now limits voting opportunities for obscured voters who may now only vote by sealed envelope ballot.

Recount

122(1)(a) The requirements for a recount are good, in that any recount must be done in the same manner as the original count, whether manually or by vote-counting machine.

Public records

151(1) This new provision allows elections records to be available for public inspection while stored by the Senior Election Officer. These materials, including poll books and a list of electors, contain personal information which may be utilized inappropriately. Inappropriate utilization of this information could lead to safety concerns for certain citizens. In this regard, the City of Winnipeg suggests that this

section be amended by words that would exclude any personal information other than the voter's name and address. The complete text of this suggested amendment is shown on the attached Appendix A, item No. 4.

Conclusion

As stated at the beginning of this presentation, the City of Winnipeg was pleased to participate in the review process along with our colleagues in the Association of Manitoba Municipalities and the Manitoba Association of School Trustees, which has taken us to a modernized version of municipal election law in Manitoba. The provincial staff assigned to participate in this initial review were a pleasure to work with and are to be commended. The City of Winnipeg believes that the adoption of Bill 29, with the amendments we have suggested in our presentation to the committee today, will make a significant improvement to the municipal electoral processes in Manitoba.

However, we believe that Bill 29, in whatever its final adopted form may take, will still need some more detailed work, particularly in some areas that are more political rather than administrative in nature. Specifically, some discussions should take place in the near future regarding elector qualifications, non-resident voting, et cetera.

We would strongly recommend that the Minister of Intergovernmental Affairs (or whichever minister is assigned the administration of this Act once it is passed) should personally participate in a working group of municipal and school board elected officials to dialogue

on some of these issues of a political nature and determine if a consensus can be reached regarding future amendments to the Municipal Councils and School Boards Election Act.

Jae Eadie
City of Winnipeg

APPENDIX A City of Winnipeg presentation Bill 29—Municipal Councils and School Boards Elections Act

Proposed amendments:

1) CONSEQUENTIAL AMENDMENT - The City of Winnipeg Charter Act

23(1)(c) Delete the word "province" and substitute "city"

The Municipal Councils and School Boards Elections Act

2) Section 55(2) be amended by adding "(c) alphabetical"

3) Section 67(1) be amended by deleting "eligible voter on the voters list" and substituting "household"

4) Section 151(2) be amended by adding after "section 34" the words "and excluding any personal information other than the voter's name and address"