



LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS No. 78

FIRST SESSION, THIRTY-SEVENTH LEGISLATURE

PRAYERS

1:30 O'CLOCK P.M.

The following petitions were presented:

Mr. PITURA – Minister of Education and Training to withdraw Bill 12 – The Public Schools Amendment Act (D. Dyck, T. Dyck, M. Dyck and others)

Mr. REIMER – Minister of Education and Training to withdraw Bill 12 – The Public Schools Amendment Act (C. Van Benthem, A. Van Benthem, J. Visser and others)

Mr. DYCK – Minister of Education and Training to withdraw Bill 12 – The Public Schools Amendment Act (T. Klassen, H. Wolfe, L. Michnik and others)

By leave, Mrs. DACQUAY for Mr. ROCAN – Minister of Education and Training to withdraw Bill 12 – The Public Schools Amendment Act (K. Wiebe, L. Elias, B. Elias and others)

Mrs. DRIEDGER – Minister of Education and Training to withdraw Bill 12 – The Public Schools Amendment Act (A. Rempel, S. Hinton, L. Peters and others)

Mrs. SMITH (Fort Garry) – Minister of Education and Training to withdraw Bill 12 – The Public Schools Amendment Act (J. Michnik, T. Michnik, M. Comtois and others)

Mr. LOEWEN – Minister of Education and Training to withdraw Bill 12 – The Public Schools Amendment Act (A. Hordyk, C. Van Egmond, M. Ramrattan and others)

Mrs. DACQUAY – Minister of Education and Training to withdraw Bill 12 – The Public Schools Amendment Act (L. Varao-Klippenstein, W. Chan, B. Klassen and others)

Mr. SCHULER – Minister of Education and Training to withdraw Bill 12 – The Public Schools Amendment Act (R. Dueck, D. Dueck, M. Dueck and others)

Tuesday, August 15, 2000

By leave, Mr. MAGUIRE for Mr. HELWER – Minister of Education and Training to withdraw Bill 12 – The Public Schools Amendment Act (L. Kornelsen, D. Klassen, W. Dueck and others)

The following petitions were read and received:

Mr. PITURA – Minister of Education and Training to withdraw Bill 12 – The Public Schools Amendment Act (R. Waldner, D. Eiose, P. Friesen, and others)

Mr. DERKACH – Minister of Education and Training to withdraw Bill 12 – The Public Schools Amendment Act. (P. Jackson, L. Jackson, N. Jackson and others)

Mr. ENNS – Minister of Education and Training to withdraw Bill 12 – The Public Schools Amendment Act (C. Horst, D. Muir, D. Wimmer and others)

Mr. DYCK – Minister of Education and Training to withdraw Bill 12 – The Public Schools Amendment Act (M. Martens, B. Martens, R. Clark and others)

Mr. PENNER (Steinbach) – Minister of Education and Training to withdraw Bill 12 – The Public Schools Amendment Act (E. Giesbrecht, I. Bergen, I. Doerksen and others)

By leave, Mrs. DACQUAY for Mr. ROCAN – Minister of Education and Training to withdraw Bill 12 – The Public Schools Amendment Act (E. Kroeker, H. Kroeker, B. Kroeker and others)

By leave, Mr. MAGUIRE for Mr. HELWER – Minister of Education and Training to withdraw Bill 12 – The Public Schools Amendment Act (P. Plett, M. Penner, R. Reimer and others)

Mr. SCHULER – Minister of Education and Training to withdraw Bill 12 – The Public Schools Amendment Act (M. Jones, I. Skibitzky, W. Levasseur and others)

Mr. FAURSCHOU – Minister of Education and Training to withdraw Bill 12 – The Public Schools Amendment Act (E. Wiebe, L. Wiebe, K. Grift and others)

By leave, Mr. LAURENDEAU for Mr. PENNER (Emerson) – Minister of Education and Training to withdraw Bill 12 – The Public Schools Amendment Act (M. van Velthuisen, C. van Velthuisen, W. van Velthuisen and others)

Tuesday, August 15, 2000

Ms. CERILLI, Chairperson of the Standing Committee on Municipal Affairs, presented its Second Report, which was read as follows:

Your Committee met on Monday, August 14, 2000 at 10:00 a.m. in Room 255 of the Legislative Building to consider the Consolidated Financial Statements of North Portage Development Corporation (Operating as The Forks North Portage Partnership) for the years ended March 31, 1999 and March 31, 2000.

Mr. Jim August, Chief Executive Officer and Mr. Bill Norrie, Chairperson of the Board and Mr. Paul Webster, Chief Financial Officer provided such information as was requested by Members of the Committee with respect to the Consolidated Financial Statements of North Portage Development Corporation (Operating as The Forks North Portage Partnership).

Your Committee reports that it has considered the Consolidated Financial Statements of North Portage Development Corporation (Operating as The Forks North Portage Partnership) for the years ended March 31, 1999 and March 31, 2000.

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

Pursuant to Rule 23(1), Mr. PENNER (Steinbach), Ms. ASPER, Messrs. ENNS, RONDEAU and MAGUIRE made Members' Statements.

On motion of Mr. DEWAR:

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

Hon. Mr. SALE for Hon. Mr. ROBINSON.

Bill (No. 4) – The Elections Finances Amendment Act/Loi modifiant la Loi sur le financement des campagnes électorales, as amended and reported from the Standing Committee on Privileges and Elections, was concurred in, on division.

The Order of Day having been read for consideration of Bill (No. 7) — The Protection for Persons in Care Act/Loi sur la protection des personnes recevant des soins, reported from the Standing Committee on Public Utilities and Natural Resources:

Hon. Mr. CHOMIAK moved:

THAT Bill 7 be amended in clause 12(1)(a) by striking out "\$10,000." and substituting "\$2,000."

And the Question being put on the amendment. It was agreed to.

Hon. Mr. Chomiak then moved:

THAT Bill 7 be amended by adding the following after subsection 12(1):

Offence of making a false report

12(1.1) A person who makes a report of abuse under this Act, knowing it to be false, is guilty of an offence and is liable on summary conviction to a fine of not more than \$2,000.

And the Question being put on the amendment. It was agreed to.

Bill (No. 7) – The Protection for Persons in Care Act/Loi sur la protection des personnes recevant des soins, reported from the Standing Committee on Public Utilities and Natural Resources and subsequently amended, was concurred in.

The Order of Day having been read for consideration of Bill (No. 17) – The Elections Amendment Act/Loi modifiant la Loi électorale, as amended and reported from the Standing Committee on Privileges and Elections:

Mrs. MITCHELSON moved:

THAT Bill 17 be amended by adding the following after the proposed subsection 174.2(2) as set out in section 25 of the Bill:

Right of candidate to enter communities

174.2(2.1) No person shall prevent a candidate or a representative of a candidate who produces identification indicating that he or she is a candidate or a representative from canvassing or distributing election campaign material in any town, village, municipality, local government district, designated community under the *Northern Affairs Act* or reserve as defined in the *Indian Act* (Canada).

And a debate arising,

And Mrs. MITCHELSON, Hon. Mr. DOER and Mr. PITURA having spoken,

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

YEA

DACQUAY	LOEWEN
DERKACH	MAGUIRE
DYCK	MITCHELSON
ENNS	PITURA
FAURSCHOU	PRAZNIK
FILMON	REIMER
GERRARD	SCHULER
GILLESHAMMER	SMITH (Fort Garry) 17
LAURENDEAU	

NAY

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

Hon. Mr. DOER then moved:

THAT the Bill be amended in section 25 by adding the following after the proposed subsection 174.2(2):

Right of candidate to enter communities

174.2(3) No person shall prevent a candidate or a representative of a candidate who produces identification indicating that he or she is a candidate or representative from canvassing or distributing election campaign material in any community in the province.

And a debate arising,

And Hon. Mr. DOER having spoken,

The debate was, on motion of Mrs. MITCHELSON, adjourned.

The Order of Day having been read for consideration of Bill (No. 33) – The Highway Traffic Amendment and Consequential Amendments Act/Loi modifiant le Code de la route et modifications corrélatives, as amended and reported from the Standing Committee on Law Amendments, the House resumed the Adjourned Debate on the Proposed Amendment of Mr. PRAZNIK:

THAT Bill 33 be amended by adding "provided that the person directed to store the vehicle has, and maintains, sufficient insurance to cover any damage or loss to the vehicle while impounded," after "peace officer directs," in the proposed subsection 242.1(3), as set out in subsection 4(7) of the Bill.

And the debate continuing on the amendment,

And Hon. Mr. MACKINTOSH having spoken,

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

The Order of Day having been read for consideration of Bill (No. 33) – The Highway Traffic Amendment and Consequential Amendments Act/Loi modifiant le Code de la route et modifications corrélatives, as amended and reported from the Standing Committee on Law Amendments, the House resumed the Adjourned Debate on the Proposed Amendment of Mr. PRAZNIK:

THAT Bill 33 be amended by adding the following after clause 4(14):

4(14.1) The following is added after subsection 242.1(6):

Vehicle may be released if sold

242.1(6.1.1) Notwithstanding subsection 242.1(8), the owner of a motor vehicle seized under this section may at any time apply to the designated person for the release of the vehicle by

- (a) demonstrating, to the reasonable satisfaction of the designated person, that the owner has sold the motor vehicle to a purchaser; and
- (b) depositing a sum of money, or security for money approved by the Minister of Finance, equal to the value of the vehicle, as determined by the designated person in accordance with the regulations.

Certificate of Minister of Finance confirming deposit

242.1(6.1.2) The owner shall deposit the amount determined under subsection (6.1.1), or security for it with the Minister of Finance, who shall issue to the owner a certificate that confirms the amount of the deposit.

Designated person to authorize release of vehicle

242.1(6.1.3) The designated person shall authorize the release of the vehicle to the purchaser, or to a person, other than the owner, authorized by the purchaser subject to

- (a) the designated person receiving a certificate issued under subsection 6.1.2,
- (b) the designated person being satisfied the owner has sold his or her interest in the vehicle to the purchaser; and
- (c) the payment of the lien under subsection (9).

Security not subject to other claims

242.1(6.1.4) The money or security for money deposited with the Minister of Finance is not subject to any other claim or demand.

Release of security

242.1(6.1.5) The Minister of Finance shall return the principle amount of the sum of money, or security, paid under subsection (6.1.1) to the owner, on the date the designated person determines the owner would have been entitled to the return the motor vehicle under this section, but not before.

And the debate continuing on the amendment,

And Hon. Mr. MACKINTOSH, Mr. PRAZNIK and Hon. Mr. GERRARD having spoken,

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

Bill (No. 33) – The Highway Traffic Amendment and Consequential Amendments Act/Loi modifiant le Code de la route et modifications corrélatives, as amended and reported from the Standing Committee on Law Amendments, was concurred in.

Bill (No. 47) – The Civil Service Amendment Act/Loi modifiant la Loi sur la fonction publique, reported from the Standing Committee on Industrial Relations, was concurred in.

The Order of Day having been read for consideration of Bill (No. 12) — The Public Schools Amendment Act/Loi modifiant la Loi sur les écoles publiques, reported from the Standing Committee on Law Amendments, the House resumed the Adjourned Debate on the Proposed Amendment of Mrs. SMITH (Fort Garry):

THAT Bill 12 be amended in the proposed subsection 260.1(1), as set out in section 4 of the Bill,

(a) by striking out the section heading and substituting "Notification to minister"; and

(b) by striking out everything after "shall" and substituting "notify the minister of the establishment of the home school."

And the debate continuing on the amendment,

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

By leave, Hon. Mr. CALDWELL moved a sub-amendment as follows:

THAT the motion to amend the Bill in section 4 be amended by striking out everything after "be amended" and substituting "by striking out the proposed subsections 260.1(1) and (2) and substituting the following:

Notification to the minister

260.1(1) The parent or guardian of a child who is a pupil in a home school shall, in the prescribed form, notify the minister of the establishment of the home school.

When notification to take place

260.1(2) The parent or guardian shall, in the prescribed form, notify the minister about the home school when it is first established and on or before September 1 in each year.

And the debate continuing on the sub-amendment,

And Hon. Mr. CALDWELL, Mrs. SMITH (Fort Garry), Messrs. DERKACH and SCHULER, Mrs. DACQUAY, Mr. PITURA, Hon. Mr. GERRARD, Messrs. FAURSCHOU, DYCK, ENNS and LAURENDEAU and Ms. ALLAN having spoken,

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

And the Question being put on the amendment, as amended by leave. It was agreed to, on division.

The Order of Day having been read for consideration of Bill (No. 12) — The Public Schools Amendment Act/Loi modifiant la Loi sur les écoles publiques, reported from the Standing Committee on Law Amendments, the House resumed the Adjourned Debate on the Proposed Amendment of Mrs. SMITH (Fort Garry):

THAT Bill 12 be amended in the proposed subsection 260.1(2), as set out in section 4 of the Bill,

(a) in the section heading, by striking out "registration" and substituting "notification"; and

(b) by striking out "register the home school, in a form approved by the minister," and substituting "notify the minister about the home school".

And the debate continuing on the amendment,

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

And the Question being put on the amendment. It was negated, on division.

The Order of Day having been read for consideration of Bill (No. 12) — The Public Schools Amendment Act/Loi modifiant la Loi sur les écoles publiques, reported from the Standing Committee on Law Amendments, the House resumed the Adjourned Debate on the Proposed Amendment of Mrs. SMITH (Fort Garry):

THAT Bill 12 be amended in the proposed subsection 260.1(3), as set out in section 4 of the Bill, by striking out "and" at the end of clause (b) and by striking out clause (c) and substituting the following:

(c) the grade level for each pupil; and

(d) a description of the curriculum.

And the debate continuing on the amendment,

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

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

The Order of Day having been read for consideration of Bill (No. 12) — The Public Schools Amendment Act/Loi modifiant la Loi sur les écoles publiques, reported from the Standing Committee on Law Amendments, the House resumed the Adjourned Debate on the Proposed Amendment of Mrs. SMITH (Fort Garry):

THAT Bill 12 be amended by striking out the proposed subsection 260.1(4), as set out in section 4 of the Bill, and substituting the following:

Progress reports

260.1(4) Within 14 days written notice, the minister may require a parent or guardian to submit a progress report on each pupil in the home school if the minister has probable cause to believe that a home schooling parent is not in compliance with the law.

And the debate continuing on the amendment,

And Mr. REID and Hon. Mr. CALDWELL having spoken,

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

YEA

DACQUAY	LOEWEN
DERKACH	MAGUIRE
DRIEDGER	MITCHELSON
DYCK	PITURA
ENNS	PRAZNIK
FAURSCHOU	ROCAN
GILLESHAMMER	SCHULER
LAURENDEAU	SMITH (Fort Garry) 16

NAY

AGLUGUB	MARTINDALE
ASPER	MCGIFFORD
BARRETT	MIHYCHUK
CALDWELL	NEVAKSHONOFF
CERILLI	REID
CHOMIAK	ROBINSON
DEWAR	RONDEAU
DOER	SALE
FRIESEN	SANTOS
JENNISSEN	SCHELLENBERG
KORZENIOWSKI	SELINGER
LEMIEUX	SMITH (Brandon West)
MACKINTOSH	STRUTHERS
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The House then adjourned at 6:27 p.m. until 1:30 p.m. Wednesday, August 16, 2000.

Hon. George HICKES,
Speaker.