



LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS No. 58

THIRD SESSION, THIRTY-EIGHTH LEGISLATURE

PRAYERS

1:30 O'CLOCK P.M.

The following petitions were presented and read:

Mr. GOERTZEN – Legislative Assembly of Manitoba to request that the Minister of Family Services and Housing consider changes to the departmental policy that pays family members a reduced amount of money for room and board when they care for their special-needs dependants at home versus the amount paid to a non-parental care provider outside the family home and to consider examining on a case-by-case basis the merits of paying family members to care for special-needs dependants at home versus paying to institutionalize them. (D. Dumontier, C. Dumontier, J. Dumontier and others)

Mr. SCHULER – Legislative Assembly of Manitoba to request the Provincial Government to consider providing East St. Paul with local ambulance service which would service both East and West St. Paul and to consider improving the way that ambulance service is supplied to all Manitoba's by utilizing technologies such as GPS in conjunction with a Medical Transportation Co-ordination Center (MTCC) which will ensure that patients receive the nearest ambulance in the least amount of time and to consider ensuring that appropriate funding is provided to maintain superior response times and sustainable services. (R. Doerksen, L. Doerksen, D. Graham and others)

By leave, Mr. REIMER for Mr. ROCAN – Legislative Assembly of Manitoba to request the Minister of Intergovernmental Affairs and Trade to consider conducting a review of the circumstances outlined and to consider making a recommendation for redress to the Government of Manitoba. (B. Hanson, C. Klassen, R. Clarke)

Mrs. STEFANSON – Legislative Assembly of Manitoba to request the Premier of Manitoba to consider accepting that the funding and delivery of public education is exclusively a provincial responsibility and to consider eliminating the Education Support Levy and Special Levy from all residential property and farmland in Manitoba. (A. Gendron, J. Heppenstall, G. Loader and others)

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

Meetings:

Your Committee met on Thursday, June 2, 2005 at 6:30 p.m. in Room 255 of the Legislative Building.

Matters under Consideration

- **Bill (No. 9)** – The Manitoba Centennial Centre Corporation Act/Loi sur la Société du Centre du centenaire du Manitoba
- **Bill (No. 11)** – The Provincial Court Amendment Act (Justices of the Peace)/Loi modifiant la Loi sur la Cour provinciale (juges de paix)
- **Bill (No. 24)** – The Consumer Protection Amendment Act (Cost of Credit Disclosure and Miscellaneous Amendments)/Loi modifiant la Loi sur la protection du consommateur (communication du coût du crédit et modifications diverses)
- **Bill (No. 37)** – The Municipal Assessment Amendment Act/Loi modifiant la Loi sur l'évaluation municipale
- **Bill (No. 38)** – The Residential Tenancies Amendment Act/Loi modifiant la Loi sur la location à usage d'habitation

Committee Membership:

Your Committee elected Mr. SWAN as Vice-Chairperson.

Substitutions received prior to commencement of meeting:

- Mr. GOERTZEN for Mr. SCHULER
- Mrs. MITCHELSON for Mrs. TAILLIEU
- Mr. SWAN for Mr. JENNISSEN
- Hon. Mr. SMITH for Hon. Ms. MELNICK
- Mr. DEWAR for Hon. Ms. ALLAN
- Mr. DYCK for Mrs. MITCHELSON

Public Presentations:

Your Committee heard 1 presentation on **Bill (No. 9)** – The Manitoba Centennial Centre Corporation Act/Loi sur la Société du Centre du centenaire du Manitoba, from the following organization:

Dr. Keith Hildahl

Manitoba Centennial Centre Corporation

Your Committee heard 5 presentations on **Bill (No. 38)** – The Residential Tenancies Amendment Act/Loi modifiant la Loi sur la location à usage d'habitation, from the following individuals and / or organizations:

Martin Boroditsky
Walter Trafton
Shaun Parsons
Brian Pannell
Dave Angus

Private Citizen
Gateway Enterprises Ltd.
Professional Property Managers Association
Housing Coordinator – Young United Church
Winnipeg Chamber of Commerce

Written Submissions:

Your Committee received 1 written submission on **Bill (No. 24)** – The Consumer Protection Amendment Act (Cost of Credit Disclosure and Miscellaneous Amendments)/Loi modifiant la Loi sur la protection du consommateur (communication du coût du crédit et modifications diverses), from the following organizations:

Paul Griffin

Canadian Bankers Association

Your Committee received 1 written submission on **Bill (No. 37)** – The Municipal Assessment Amendment Act/Loi modifiant la Loi sur l'évaluation municipale, from the following organization:

Ron Bell

Association of Manitoba Municipalities

Bills Considered and Reported:

Bill (No. 9) – The Manitoba Centennial Centre Corporation Act/Loi sur la Société du Centre du centenaire du Manitoba

Your Committee agreed to report this Bill, without amendment.

Bill (No. 11) – The Provincial Court Amendment Act (Justices of the Peace)/Loi modifiant la Loi sur la Cour provinciale (juges de paix)

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

THAT the proposed subsection 65(3), as set out in Clause 9 of the Bill, be amended by replacing the first sentence with the following:

When holding a hearing to adjudicate a charge against a judicial justice of the peace, the hearing judge has the same powers that the council has when it adjudicates a charge against a judge.

Bill (No. 24) – The Consumer Protection Amendment Act (Cost of Credit Disclosure and Miscellaneous Amendments)/Loi modifiant la Loi sur la protection du consommateur (communication du coût du crédit et modifications diverses)

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

THAT Clause 3(2) of the Bill be amended in the proposed definition "non-interest finance charge" by adding "if the borrower is not a beneficiary of the insurance," after "title insurance" in the part before clause (a).

THAT the proposed clause 4(3)(a), as set out in Clause 6 of the Bill, be amended by adding " — other than a Crown corporation or agency prescribed by regulation — " after "agency".

THAT the proposed clause 14(2)(b), as set out in Clause 6 of the Bill, be amended by striking out "a credit card" and substituting "open credit".

THAT the proposed subsection 35.9(2), as set out in Clause 6 of the Bill, be amended by adding "unauthorized" before "use".

THAT Clause 6 of the Bill be amended by adding the following after the proposed subsection 45(3):

Notice to persons other than the borrower

45(4) In addition to giving a notice to the borrower under subsection (2) or (3), the credit grantor must, at least 20 days before selling the collateral, give a copy of the notice to each person who

(a) has registered a financing statement in relation to the collateral in the registry established under *The Personal Property Security Act*; or

(b) has an interest in the collateral and has given written notice of that interest to the credit grantor.

THAT the proposed subsection 51(3), as set out in Clause 6 of the Bill, be amended

(a) in the section heading, by striking out "to borrower"; and

(b) in the part after clause (c), by striking out "to the borrower" and substituting "in accordance with subsections 60(2) and (4) of The Personal Property Security Act".

Bill (No. 37) – The Municipal Assessment Amendment Act/Loi modifiant la Loi sur l'évaluation municipale

Your Committee agreed to report this Bill, without amendment.

Bill (No. 38) – The Residential Tenancies Amendment Act/Loi modifiant la Loi sur la location à usage d'habitation

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

THAT Clause 12 of the Bill be amended by renumbering it as subclause 12(2) and by adding the following as subclause 12(1):

12(1) Clause 116(2)(c) is amended by striking out "clause 134(2)(b)" and substituting "subsection 134(2)".

THAT Clause 19(2) of the Bill be amended

(a) in the heading, by striking out "8, 15 and 17(1)" and substituting "7, 14 and 16(1)"; and

(b) in the subsection, by striking out "8, 15 and subsection 17(1)" and substituting "7, 14 and subsection 16(1)".

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

Hon. Mr. SELINGER presented:

Public Accounts of the Province of Manitoba for the fiscal year ended March 31, 2004
(Volumes 4).

(Sessional Paper No. 89)

Annual Report of the Crown Corporations Council for the year ending December 31, 2004.

(Sessional Paper No. 90)

Hon. Mr. SMITH, the Minister responsible for Emergency Measures made a statement regarding the status of flooding in Southwestern Manitoba,

Mr. DERKACH and, by leave, Hon. Mr. GERRARD commented on the statement.

Pursuant to Rule 26(1), Ms. KORZENIOWSKI, Messrs. DERKACH and SCHELLENBERG, Mrs. DRIEDGER and Mr. MARTINDALE made Members' Statements.

In accordance with Rule 27, Mrs. ROWAT rose on a Grievance.

By unanimous consent, it was agreed that the quorum requirement in the House be waived for the morning of June 7, 2005.

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

THAT Bill (No. 12) – The Liquor Control Amendment Act/Loi modifiant la Loi sur la réglementation des alcools, as amended and reported from the Standing Committee on Legislative Affairs, be concurred in and be now read a Third Time and passed.

And the debate continuing,

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

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

And the Question being put. It was agreed to.

The Bill was accordingly concurred in, read a Third Time and passed.

The House resumed the Adjourned Debate on the Proposed Motion of Hon. Ms. WOWCHUK:

THAT Bill (No. 13) – The Milk Prices Review Amendment Act/Loi modifiant la Loi sur le contrôle du prix du lait, reported from the Standing Committee on Legislative Affairs, be concurred in and be now read a Third Time and passed.

And the debate continuing,

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

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

And the Question being put. It was agreed to.

The Bill was accordingly concurred in, read a Third Time and passed.

The House resumed the Adjourned Debate on the Proposed Motion of Hon. Ms. ALLAN:

THAT Bill (No. 23) – The Workplace Safety and Health Amendment Act (Needles in Medical Workplaces)/Loi modifiant la Loi sur la sécurité et l'hygiène du travail (aiguilles utilisées en milieu médical), reported from the Standing Committee on Legislative Affairs, be concurred in and be now read a Third Time and passed.

And the debate continuing,

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

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

And the Question being put. It was agreed to.

The Bill was accordingly concurred in, read a Third Time and passed.

Hon. Mr. MACKINTOSH moved:

THAT Bill (No. 2) – The Child and Family Services Amendment Act (Child Protection Penalties)/Loi modifiant la Loi sur les services à l'enfant et à la famille (peines applicables en matière de protection des enfants), reported from the Standing Committee on Legislative Affairs, be concurred in and be now read a Third Time and passed.

And a debate arising,

And Hon. Mr. MACKINTOSH and Mrs. TAILLIEU having spoken,

And the Question being put. It was agreed to.

The Bill was accordingly concurred in, read a Third Time and passed.

Hon. Mr. MACKINTOSH moved:

THAT Bill (No. 3) – The Recreational Trail Property Owners Protection Act (Occupiers' Liability Act Amended)/Loi sur la protection accordée aux propriétaires de biens à l'égard des sentiers récréatifs (modification de la Loi sur la responsabilité des occupants), reported from the Standing Committee on Legislative Affairs, be concurred in and be now read a Third Time and passed.

And a debate arising,

And Hon. Mr. MACKINTOSH, Messrs. REIMER and CULLEN having spoken,

And the Question being put. It was agreed to.

The Bill was accordingly concurred in, read a Third Time and passed.

Hon. Mr. MACKINTOSH moved:

THAT Bill (No. 6) – The Real Property Amendment Act/Loi modifiant la Loi sur les biens réels, reported from the Standing Committee on Legislative Affairs, be concurred in and be now read a Third Time and passed.

And a debate arising,

And Hon. Mr. MACKINTOSH, Mr. HAWRANIK, Hon. Mr. GERRARD and Mr. FAURSCHOU having spoken,

And the Question being put. It was agreed to.

The Bill was accordingly concurred in, read a Third Time and passed.

Hon. Mr. MACKINTOSH moved:

THAT Bill (No. 7) – The Personal Investigations Amendment Act/Loi modifiant la Loi sur les enquêtes relatives aux particuliers, as amended and reported from the Standing Committee on Legislative Affairs, be concurred in and be now read a Third Time and passed.

And a debate arising,

And Hon. Mr. MACKINTOSH and Mr. FAURSCHOU having spoken,

And the Question being put. It was agreed to.

The Bill was accordingly concurred in, read a Third Time and passed.

Hon. Mr. MACKINTOSH moved:

THAT Bill (No. 14) – The Electricians' Licence Amendment Act/Loi modifiant la Loi sur le permis d'électricien, reported from the Standing Committee on Legislative Affairs, be concurred in and be now read a Third Time and passed.

And a debate arising,

And Hon. Mr. MACKINTOSH, Messrs. CULLEN and SCHULER and Hon. Mr. GERRARD having spoken,

And the Question being put. It was agreed to.

The Bill was accordingly concurred in, read a Third Time and passed.

Hon. Mr. MACKINTOSH moved:

THAT Bill (No. 15) – The Emergency Measures Amendment Act/Loi modifiant la Loi sur les mesures d'urgence, reported from the Standing Committee on Social & Economic Development, be concurred in and be now read a Third Time and passed.

And a debate arising,

And Hon. Mr. MACKINTOSH, Mr. FAURSCHOU, Hon. Mr. GERRARD and Mr. CULLEN having spoken,

And the Question being put. It was agreed to.

The Bill was accordingly concurred in, read a Third Time and passed.

The House resolving into Committee of Supply. The Proceedings, by leave, were temporarily interrupted to permit Mr. Speaker to resume the Chair.

And the House continuing in Committee.

Monday, June 6, 2005

The House then adjourned at 5:30 p.m. until 9:00 a.m. Tuesday, June 7, 2005.

Hon. George HICKES,
Speaker.