



LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS No. 22

FIFTH SESSION, THIRTY-EIGHTH LEGISLATURE

PRAYER

1:30 O'CLOCK P.M.

Immediately following the Prayer, Mr. MCFADYEN rose on a Matter of Privilege and moved:

THAT the Premier be directed to apologize to the Legislative Assembly and the people of Manitoba for bringing false information before this House and undermining the integrity and respect of this Legislature.

And Hon. Messrs. DOER, GERRARD and CHOMIAK having spoken.

WHEREUPON Mr. Speaker informed the House he would take the matter under advisement.

Prior to Routine Proceedings, Hon. Mr. GERRARD rose on a Matter of Privilege and moved:

THAT the Minister of Finance be replaced with a Minister who has not so deliberately misled this Chamber and the people of Manitoba.

And Hon. Mr. DOER, Mr. MCFADYEN and Hon. Mr. CHOMIAK having spoken.

WHEREUPON Mr. Speaker informed the House he would take the matter under advisement.

Subsequently prior to Routine Proceedings, Mr. LAMOUREUX rose on a point of order requesting that the motion previously moved be considered.

WHEREUPON Mr. Speaker ruled that there was no point of order.

From his decision, Mr. LAMOUREUX appealed to the House,

And the Question being put, "Shall the ruling of the Chair be sustained?" It was agreed to, on the following division:

YEA

| | |
|--------------|-----------------|
| AGLUGUB | MACKINTOSH |
| ALLAN | MALOWAY |
| ALTEMEYER | MARTINDALE |
| ASHTON | MCGIFFORD |
| BJORNSON | MELNICK |
| BRICK | NEVAKSHONOFF |
| CALDWELL | OSWALD |
| CHOMIAK | REID |
| DEWAR | ROBINSON |
| DOER | RONDEAU |
| IRVIN-ROSS | SALE |
| JENNISSEN | SANTOS |
| JHA | SMITH |
| KORZENIOWSKI | STRUTHERS |
| LATHLIN | SWAN |
| LEMIEUX | WOWCHUK..... 32 |

NAY

| | |
|-----------|------------------|
| CULLEN | HAWRANIK |
| CUMMINGS | LAMOUREUX |
| DERKACH | MAGUIRE |
| DRIEDGER | MCFADYEN |
| DYCK | MITCHELSON |
| EICHLER | PENNER |
| FAURSCHOU | REIMER |
| GERRARD | SCHULER |
| GOERTZEN | TAILLIEU..... 18 |

Subsequently prior to Routine Proceedings, Hon. Mr. GERRARD rose on a Matter of Privilege and moved:

THAT this matter be referred to a committee of this Legislature.

WHEREUPON Mr. Speaker informed the House he would take the matter under advisement.

The following petitions were presented and read:

Mr. LAMOUREUX – Legislative Assembly of Manitoba to urge the Premier and his NDP Government to cooperate in uncovering the truth in why the Government did not act on what it knew and to consider calling a public inquiry on the Crocus Fund Fiasco. (C. De La Cruz, B. Mangale, L. Coronel and others)

Mrs. TAILLIEU – Legislative Assembly of Manitoba to urge the Minister charged with the administration of The Liquor Control Act to consider allowing the owners of Headingley Foods to sell alcohol at their store, thereby supporting small business and the prosperity of rural communities in Manitoba. (M. Rice, S. Penner, G. Youmans and others)

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

Meetings:

- Your Committee met on Monday, December 18, 2006 at 3:00 p.m. in Room 255 of the Legislative Building.

Matters under Consideration:

- The Report and Recommendations of the Judicial Compensation Committee dated June 20, 2006

Committee Membership:

- Hon. Mr. CHOMIAK
- Mr. DEWAR
- Mr. FAURSCHOU
- Mr. GOERTZEN
- Ms. KORZENIOWSKI
- Mr. MARTINDALE
- Mr. REID (*Chairperson*)
- Hon. Mr. SELINGER
- Mrs. STEFANSON
- Mr. SWAN
- Mrs. TAILLIEU

Your Committee elected Ms. KORZENIOWSKI as the Vice-Chairperson.

Motions:

Your Committee agreed to the following motion:

- *THAT the Standing Committee on Legislative Affairs adopt the proposal outlined in Schedule A and recommend the same to the Legislative Assembly of Manitoba.*

SCHEDULE A

1. That effective April 1, 2005, salaries for Provincial Court Judges be increased to \$168,000 per annum (\$6,439.99 bi-weekly); that effective April 1, 2006, salaries be increased to \$173,040 per annum (\$6,633.19 bi-weekly); and that effective April 1, 2007, salaries be further increased to \$178,230 per annum (\$6,832.14 bi-weekly).

2. That effective April 1, 2005, salaries for Associate Chief Judges be increased to \$173,000 per annum (\$6,631.66 bi-weekly); that effective April 1, 2006 salaries be increased to \$178,040 per annum (\$6,824.86 bi-weekly); and that effective April 1, 2007 salaries be further increased to \$183,230 per annum (\$7,023.81 bi-weekly).
3. That effective April 1, 2005, the salary for the Chief Judge be increased to \$178,000 per annum (\$6,823.32 bi-weekly); that effective April 1, 2006 that salary be increased to \$183,040 per annum (\$7,016.52 bi-weekly); and that effective April 1, 2007 that salary be further increased to \$188,230 per annum (\$7,215.47 bi-weekly).
4. That effective July 1, 2006, the current pension plan be amended to provide a guaranteed indexing at the rate of 66.7% of the percentage increase in the annual change in the Consumer Price Index (CPI) for Canada based on the immediately preceding calendar year.
5. That, effective 60 days following the date of approval by the Legislative Assembly, the age-related reductions to life insurance coverage for Judges be changed so that
 - (a) the coverage for a Judge who did not reach the age of 66 before May 5, 2004 not be reduced until the Judge reaches the age of 66, at which time it is set at 75%;
 - (b) the coverage for a Judge who reached the age of 66 but not the age of 70 before May 5, 2004 be increased to 75% until the Judge reaches the age of 70, at which time it is set at 62.5%; and
 - (c) the coverage for a Judge who reached the age of 70 before May 5, 2004 be set at 62.5%.

These changes are not to apply to a Judge who died before the effective date.

6. That the residual amount of life insurance available to Judges at age 75 be increased from \$1,500.00 to \$4,500.00. This change will be effective 60 days following the date of approval by the Legislative Assembly.
7. That the life insurance plan for Judges be amended to provide that Dependents' insurance coverage be increased to \$17,500.00 for a spouse and to \$3,500.00 for each eligible child. These changes will be effective 60 days following the date of approval by the Legislative Assembly.
8. That the Dental Plan be amended by implementing the 2006 Manitoba Dental Association (MDA) Dental Plan fee guide; by increasing the maximum claim to \$1,475 per calendar year and increasing the maximum lifetime claim for orthodontics to \$1,675. These changes will be effective 60 days following the date of approval by the Legislative Assembly.
9. That the Province cover the cost of 80% of eligible prescription drug expenses under the current Extended Health Benefits Plan to a maximum of \$650 in each calendar year. The participating Judges will fund the balance. This change will be effective 60 days following the date of approval by the Legislative Assembly.

10. That the Extended Health Benefits Plan be amended to provide coverage for chiropractic, massage therapy, naturopathy and speech therapy (each to have a \$350.00 annual maximum); foot orthotics (to have a \$200.00 annual maximum); hearing aid coverage (to have a \$300.00 maximum per person per 5 year period). The premiums for this coverage are to be paid by the participating judges. This change will be effective 60 days following the date of approval by the Legislative Assembly.

11. That the northern allowance rates for judges residing in Thompson or The Pas be set as follows:

| <u>Effective Date</u> | | <u>Single Rate (biweekly):</u> | <u>Dependent Rate (bi-weekly):</u> |
|-----------------------|----------|--------------------------------|------------------------------------|
| April 1, 2005 | Thompson | \$101.72 | \$144.79 |
| April 1, 2005 | The Pas | \$ 55.58 | \$ 90.95 |
| April 1, 2006 | Thompson | \$104.26 | \$148.41 |
| April 1, 2006 | The Pas | \$ 56.97 | \$ 93.22 |
| April 1, 2007 | Thompson | \$106.87 | \$152.12 |
| April 1, 2007 | The Pas | \$ 58.39 | \$ 95.55 |

12. That, commencing April 1, 2005, the Province pay the annual fees to enrol each Provincial Court Judge in the National Judicial Counselling Program.

13. That each Judge be provided with an educational allowance of \$2,500.00 each fiscal year to be used for attendance at seminars or conferences only as approved by the Chief Judge. A Judge must first request funding through the Judges' regular education budget, and if funding is refused in whole or in part, this allowance can be used. Any amount of this allowance not used in any given fiscal year cannot be carried over to a subsequent year.

14. That the Province pay 75% of the Judges' legal costs and fees for the Judicial Compensation Committee process, up to a maximum aggregate payment by the Province of \$35,000.00.

15. That unless otherwise stated, all changes shall be effective on the date of approval by the Legislative Assembly of Manitoba.

16. In these recommendations, "date of approval by the Legislative Assembly" means

- (a) the date that the vote of concurrence referred to in subsection 11.1(28) of The Provincial Court Act takes place with respect to these recommendations; or
- (b) if the recommendations must be implemented because of subsection 11.1(29) of The Provincial Court Act, the first day after the end of the 21-day period referred to in that subsection.

Public Presentations:

By leave, your Committee heard one presentation on the Report and Recommendations of the Judicial Compensation Committee from:

Susan Dawes

Provincial Judges Association Of Manitoba

Reports Considered:

Your Committee has completed consideration of the Report and Recommendations of the Judicial Compensation Committee dated June 20, 2006.

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

Ms. KORZENIOWSKI, Chairperson of the Standing Committee on Legislative Affairs, presented its Fourth Report, which was read as follows:

Meetings:

Your Committee met on Friday, January 26, 2007 at 10:00 a.m. in Room 255 of the Legislative Building.

Matters under Consideration:

- The reappointment of the Conflict of Interest Commissioner

Committee Membership:

- Mr. AGLUGUB
- Mr. ALTEMEYER
- Hon. Mr. CHOMIAK
- Mr. CULLEN
- Mr. DEWAR
- Mr. GOERTZEN
- Ms. KORZENIOWSKI
- Mr. MAGUIRE
- Mrs. MITCHELSON
- Mr. MALOWAY
- Mr. SANTOS

Your Committee elected Ms. KORZENIOWSKI as the Chairperson.

Your Committee elected Mr. ALTEMEYER as the Vice-Chairperson.

Motions:

Your Committee agreed to the following motions:

- *That the Committee recommends to the Lieutenant-Governor-in-Council that Mr. William Norrie be re-appointed as Conflict of Interest Commissioner with his term to expire February 1, 2009.*
- *That the Committee authorize the Chairperson to ask the Speaker to inform all MLAs in writing of this re-appointment, prior to presentation of the committee report in the House.*

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

Mr. DERKACH, Chairperson of the Standing Committee on Public Accounts, presented its First Report, which was read as follows:

Meetings:

Your Committee met on the following occasions:

- November 28, 2005
- December 14, 2006

Matters under Consideration at the December 14, 2006 meeting:

- Auditor General's Report – Examination of the Crocus Investment Fund – May 2005
- Auditor General's Report – Environmental Audit – Review of the Province of Manitoba's Management of Contaminated Sites and the Protection of Well Water Quality in Manitoba dated November 2005
- Auditor General's Report – Follow-up of Recommendations made in our August 2003 Report, An Examination of Le Collège de Saint-Boniface dated July 2005

Committee Membership:

Committee Membership for the November 28, 2005 meeting:

- Mr. CALDWELL
- Mr. CUMMINGS
- Mr. HAWRANIK
- Mr. MAGUIRE
- Mr. MALOWAY (*Vice-Chairperson*)
- Mr. MARTINDALE
- Mr. NEVAKSHONOFF
- Mr. REIMER (*Chairperson*)
- Mr. SANTOS
- Hon. Mr. SELINGER

Committee Membership for the December 14, 2006 meeting:

- Mr. AGLUGUB
- Mr. CUMMINGS
- Mr. DERKACH (*Chairperson*)
- Mr. HAWRANIK
- Mr. LAMOUREUX
- Mr. MALOWAY (*Vice-Chairperson*)
- Mr. MARTINDALE
- Mr. SANTOS
- Mr. SCHULER
- Hon. Mr. SELINGER
- Mr. SWAN

Reports Considered and Adopted at the December 14, 2006 meeting:

Your Committee considered and adopted the following report as presented:

- Auditor General's Report – Follow-up of Recommendations made in our August 2003 Report, An Examination of Le Collège de Saint-Boniface dated July 2005

Reports Considered but not Adopted at the December 14, 2006 meeting:

Your Committee considered the following reports but did not adopt them:

- Auditor General's Report – Examination of the Crocus Investment Fund – May 2005
- Auditor General's Report – Environmental Audit – Review of the Province of Manitoba's Management of Contaminated Sites and the Protection of Well Water Quality in Manitoba dated November 2005

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

Hon. Ms. ALLAN, the Minister of Labour and Immigration, made a statement paying tribute to Captain Harold Lessard and Captain Tom Nichols, our fallen firefighters who made the ultimate sacrifice while serving their fellow citizens.

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

By leave, it was agreed to waive Members' Statements for Wednesday, April 4, 2007.

Hon. Mr. SELINGER moved:

THAT this House approves in general the budgetary policy of the government.

And a debate arising,

And Hon. Mr. SELINGER having spoken.

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

Hon. Mr. SELINGER delivered to Mr. Speaker two messages from His Honour, the Administrator of the Province of Manitoba as follows:

Michel MONNIN
Administrator

The Lieutenant Governor transmits to the Legislative Assembly of Manitoba, Estimates of sums required for the services of the Province for Capital Expenditures, and recommends these Estimates to the Legislative Assembly.

WINNIPEG, MANITOBA
April 4, 2007

(Sessional Paper No. 20)

Michel MONNIN
Administrator

The Lieutenant Governor transmits to the Legislative Assembly of Manitoba, estimates of sums required for the services of the province for the fiscal year ending the 31st day of March 2008 and recommends these Estimates to the Legislative Assembly.

WINNIPEG, MANITOBA
April 4, 2007

(Sessional Paper No. 21)

Hon. Mr. CHOMIAK moved:

THAT this House do now adjourn.

And the Question being put. It was agreed to.

The House then adjourned at 4:31 p.m. until 1:30 p.m. Thursday, April 5, 2007.

Hon. George HICKES,
Speaker.