



LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS No. 73

FIRST SESSION, THIRTY-SEVENTH LEGISLATURE

PRAYERS

10:00 O'CLOCK A.M.

Bill (No. 6) – The Water Resources Conservation and Protection and Consequential Amendments Act/Loi sur la conservation et la protection des ressources hydriques et modifications corrélatives, as amended and reported from the Standing Committee on Public Utilities and Natural Resources, was concurred in.

Bill (No. 16) – The City of Winnipeg Amendment Act (2)/Loi n° 2 modifiant la Loi sur la Ville de Winnipeg, as amended and reported from the Standing Committee on Public Utilities and Natural Resources, was concurred in.

Bill (No. 14) – The Provincial Railways Amendment Act/Loi modifiant la Loi sur les chemins de fer provinciaux, as amended and reported from the Standing Committee on Public Utilities and Natural Resources, was concurred in.

By leave, on motion of Hon. Mr. MACKINTOSH, Bill (No. 42) – The Public Schools Amendment and Consequential Amendments Act/Loi modifiant la Loi sur les écoles publiques et modifications corrélatives, was withdrawn and the Order for concurrence was discharged.

Bill (No. 21) – The Water Resources Administration Amendment Act/Loi modifiant la Loi sur l'aménagement hydraulique, reported from the Standing Committee on Public Utilities and Natural Resources, was concurred in.

Bill (No. 23) – The Jury Amendment Act/Loi modifiant la Loi sur les jurés, as amended and reported from the Standing Committee on Law Amendments, was concurred in.

Bill (No. 26) – The Court of Queen's Bench Amendment Act/Loi modifiant la Loi sur la Cour du Banc de la Reine, reported from the Standing Committee on Law Amendments, was concurred in.

Bill (No. 31) — The Electronic Commerce and Information, Consumer Protection Amendment and Manitoba Evidence Amendment Act/Loi sur le commerce et l'information électroniques, modifiant la Loi sur la protection du consommateur et la Loi sur la preuve au Manitoba, as amended and reported from the Standing Committee on Public Utilities and Natural Resources, was concurred in.

Bill (No. 36) – The Summary Convictions Amendment Act/Loi modifiant la Loi sur les poursuites sommaires, as amended and reported from the Standing Committee on Law Amendments, was concurred in.

Mr. Speaker having left the Chair and the House resolving itself into a Committee to consider of the Supply to be granted to Her Majesty;

And the House continuing in Committee.

The section of Committee of Supply sitting in the Chamber having risen, by unanimous consent, it was agreed to have the section of Committee of Supply sitting in Room 255 to continue to meet concurrently with the House.

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:

Mr. PRAZNIK moved:

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 a debate arising,

And Messrs. PRAZNIK and LAURENDEAU, Hon. Mr. GERRARD and Mr. PENNER (Steinbach) having spoken,

The debate was, on motion of Hon. Mr. MACKINTOSH, adjourned.

Mr. PRAZNIK then moved:

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 a debate arising,

And Messrs. PRAZNIK and PENNER (Steinbach) having spoken,

The debate was, on motion of Hon. Mr. MACKINTOSH, adjourned.

Bill (No. 45) – The Teachers' Pensions Amendment Act/Loi modifiant la Loi sur la pension de retraite des enseignants, as amended and reported from the Standing Committee on Law Amendments, was concurred in.

Hon. Mr. MACKINTOSH moved:

THAT Bill (No. 5) – The Wildlife Amendment Act/Loi modifiant la Loi sur la conservation de la faune, be now read a Third Time and passed.

And a debate arising,

And Hon. Mr. MACKINTOSH, Mr. PENNER (Emerson), Hon. Mr. GERRARD and Mr. DERKACH having spoken,

And Mr. PENNER (Steinbach) speaking at 12:00 p.m.,

The debate was allowed to remain in his name.

On motion of Mr. DEWAR:

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

Privileges and Elections:

Mr. MARTINDALE for Ms. CERILLI.

Industrial Relations:

Hon. Mr. ROBINSON for Mr. DEWAR,
Mr. RONDEAU for Ms. KORZENIOWSKI.

1:30 O'CLOCK P.M.

By leave, Mr. SANTOS, Chairperson of the Committee of Supply, presented the Report of the Proceedings of the Committee of August 3, 2000 as follows:

IN THE COMMITTEE

The following Resolutions were adopted:

13.1 RESOLVED that there be granted to HER MAJESTY a sum not exceeding TWO MILLION, FOUR HUNDRED TWELVE THOUSAND DOLLARS for INTERGOVERNMENTAL AFFAIRS:

ADMINISTRATION AND FINANCE \$2,412,000.00

for the fiscal year ending the 31st day of March, 2001.

13.2 RESOLVED that there be granted to HER MAJESTY a sum not exceeding ONE MILLION, THIRTY-NINE THOUSAND, EIGHT HUNDRED DOLLARS for INTERGOVERNMENTAL AFFAIRS:

BOARDS \$1,039,800.00

for the fiscal year ending the 31st day of March, 2001.

13.3 RESOLVED that there be granted to HER MAJESTY a sum not exceeding THREE MILLION FIVE HUNDRED FORTY-NINE THOUSAND, ONE HUNDRED DOLLARS for INTERGOVERNMENTAL AFFAIRS:

COMMUNITY AND LAND USE PLANNING SERVICES \$3,549,100.00

for the fiscal year ending the 31st day of March, 2001.

13.4 RESOLVED that there be granted to HER MAJESTY a sum not exceeding NINE MILLION, THREE HUNDRED TWENTY-THREE THOUSAND, FOUR HUNDRED DOLLARS for INTERGOVERNMENTAL AFFAIRS:

PROVINCIAL-MUNICIPAL SUPPORT SERVICES \$9,323,400.00

for the fiscal year ending the 31st day of March, 2001.

13.5 RESOLVED that there be granted to HER MAJESTY a sum not exceeding THIRTY FIVE MILLION, SIX HUNDRED SIXTY-SEVEN THOUSAND, FIVE HUNDRED DOLLARS for INTERGOVERNMENTAL AFFAIRS:

ECONOMIC AND COMMUNITY DEVELOPMENT SERVICES \$35,667,500.00

for the fiscal year ending the 31st day of March, 2001.

13.6 RESOLVED that there be granted to HER MAJESTY a sum not exceeding SEVENTY-THREE MILLION, TWENTY-NINE THOUSAND DOLLARS for INTERGOVERNMENTAL AFFAIRS:

FINANCIAL ASSISTANCE TO MUNICIPALITIES \$73,029,000.00

for the fiscal year ending the 31st day of March, 2001.

13.7 RESOLVED that there be granted to HER MAJESTY a sum not exceeding TEN MILLION, SIX HUNDRED FIVE THOUSAND, FOUR HUNDRED DOLLARS for INTERGOVERNMENTAL AFFAIRS:

CANADA-MANITOBA AGREEMENTS \$10,605,400.00

for the fiscal year ending the 31st day of March, 2001.

13.8 RESOLVED that there be granted to HER MAJESTY a sum not exceeding THREE MILLION, DOLLARS for INTERGOVERNMENTAL AFFAIRS:

NEIGHBOURHOODS ALIVE! \$3,000,000.00

for the fiscal year ending the 31st day of March, 2001.

13.9 RESOLVED that there be granted to HER MAJESTY a sum not exceeding FOUR HUNDRED SIXTY-THREE THOUSAND, FOUR HUNDRED DOLLARS for INTERGOVERNMENTAL AFFAIRS:

AMORTIZATION OF CAPITAL ASSETS..... \$463,400.00

for the fiscal year ending the 31st day of March, 2001.

21.1 RESOLVED that there be granted to HER MAJESTY a sum not exceeding SEVEN MILLION, THIRTY-FOUR THOUSAND, NINE HUNDRED DOLLARS for HEALTH:

ADMINISTRATION AND FINANCE \$7,034,900.00

for the fiscal year ending the 31st day of March, 2001.

28.1 RESOLVED that there be granted to HER MAJESTY a sum not exceeding TEN MILLION, THREE HUNDRED EIGHTY-NINE THOUSAND, NINE HUNDRED DOLLARS for SPORT:

SPORT \$10,389,900.00

for the fiscal year ending the 31st day of March, 2001.

28.2 RESOLVED that there be granted to HER MAJESTY a sum not exceeding TWO THOUSAND, DOLLARS for SPORT:

AMORTIZATION OF CAPITAL ASSETS..... \$2,000.00

for the fiscal year ending the 31st day of March, 2001.

33.1 RESOLVED that there be granted to HER MAJESTY a sum not exceeding SIX MILLION, TWO HUNDRED NINETY-TWO THOUSAND, FOUR HUNDRED DOLLARS for COMMUNITY SUPPORT PROGRAMS:

COMMUNITY SUPPORT PROGRAMS \$6,292,400.00

for the fiscal year ending the 31st day of March, 2001.

33.2 RESOLVED that there be granted to HER MAJESTY a sum not exceeding THREE THOUSAND, EIGHT HUNDRED DOLLARS for COMMUNITY SUPPORT PROGRAMS:

AMORTIZATION OF CAPITAL ASSETS..... \$3,800.00

for the fiscal year ending the 31st day of March, 2001.

Resolutions were reported.

Report was received and the Committee of Supply obtained leave to sit again.

Mr. AGLUGUB, Vice-Chairperson of the Standing Committee on Public Utilities and Natural Resources, presented its Seventh Report, which was read as follows:

Your Standing Committee on PUBLIC UTILITIES and NATURAL RESOURCES presents the following as its Seventh Report.

Your Committee met on Monday, July 31, 2000 at 10:00 a.m., Tuesday, August 1, 2000 at 10:00 a.m. and Tuesday, August 1, 2000 at 6:30 p.m. in Room 255 of the Legislative Building to consider Bills referred.

At the Monday, July 31, 2000 meeting, your Committee elected Mr. STRUTHERS as the Vice-Chairperson.

At that meeting, Ms. CERILLI moved that the public presentations on Bills 43 and 35 be concluded by this committee after hearing one last presenter. The motion was agreed to.

At the Tuesday, August 1, 2000 meeting at 10:00 a.m., your Committee elected Mr. MALOWAY as the Vice-Chairperson.

At that meeting, Mr. MALOWAY resigned as the Vice-Chairperson and your Committee elected Mr. AGLUGUB as the Vice-Chairperson.

At the Monday, July 31, 2000 meeting, your Committee heard representation on Bills as follows:

(No. 35) – The Planning Amendment Act/Loi modifiant la Loi sur l'aménagement du territoire

Elizabeth Fleming
Ted Muir

Provincial Council of Women of Manitoba
Manitoba Pork Council

(No. 43) – The Sustainable Development Amendment and Consequential Amendments Act/Loi modifiant la Loi sur le développement durable et modifications corrélatives

Christine Common-Singh
Dr. W.J. Turnock
Peter Miller
Ken Emberly

Private Citizen
Manitoba Environmental Council
Private Citizen
The Canadian Environmental Echo Network

Written Submissions:

(No. 35) – The Planning Amendment Act/Loi modifiant la Loi sur l'aménagement du territoire

Brad Kirbyson

Association of Manitoba Municipalities

(No. 43) – The Sustainable Development Amendment and Consequential Amendments Act/Loi modifiant la Loi sur le développement durable et modifications corrélatives

Dr. Nick Carter

Private Citizen

Dr. Barrie Webster

Private Citizen

Richard Howard

Private Citizen

Your Committee has considered:

(No. 35) – The Planning Amendment Act/Loi modifiant la Loi sur l'aménagement du territoire

(No. 48) – The Rural Development Bonds Amendment Act/Loi modifiant la Loi sur les obligations de développement rural

and has agreed to report the same, without amendment.

Your Committee has also considered:

(No. 43) – The Sustainable Development Amendment and Consequential Amendments Act/Loi modifiant la Loi sur le développement durable et modifications corrélatives

and has agreed to report the same, without amendment, on division.

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

Hon. Ms. MCGIFFORD presented:

Annual Report of the Manitoba Liquor Control Commission for the fiscal year ending March 31, 2000.

(Sessional Paper No. 205)

Hon. Mr. SELINGER presented:

Public Accounts of the Province of Manitoba for the fiscal year ending March 31, 1999 (Volume 4).

(Sessional Paper No. 206)

During Oral Questions, Hon. Mr. MACKINTOSH rose on a point of order stating that in accordance with Beauchesne citations 409 and 410 "a supplementary question should need no preamble",

And Mr. PRAZNIK having spoken to the point of order,

WHEREUPON Mr. Speaker ruled that there was a point of order,

From his decision, Mr. LAURENDEAU 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	MARTINDALE
ALLAN	MCGIFFORD
ASHTON	MIHYCHUK
ASPER	NEVAKSHONOFF
CALDWELL	REID
CERILLI	RONDEAU
DEWAR	SALE
DOER	SANTOS
JENNISSEN	SHELLENBERG
KORZENIOWSKI	SELINGER
LATHLIN	SMITH (Brandon West)
LEMIEUX	STRUTHERS
MACKINTOSH	WOWCHUK.....27
MALOWAY	

NAY

CUMMINGS	MAGUIRE
DACQUAY	MITCHELSON
DERKACH	PENNER (Emerson)
DRIEDGER	PENNER (Steinbach)
DYCK	PITURA
FAURSCHOU	PRAZNIK
FILMON	REIMER
GILLESHAMMER	SCHULER
LAURENDEAU	SMITH (Fort Garry)
LOEWEN	TWEED20

Following Oral Questions, Mr. Speaker made the following statement:

During the raising of a matter of privilege by the Honourable Member for Russell on July 26, 2000, the Honourable Official Opposition House Leader and the Honourable Government House Leader attempted to raise points of order while Members were speaking to the matter raised. I, as Speaker, discouraged the raising of the points of order at that particular time, and indicated that I would hear points of order after the comments on the matter of privilege were concluded.

I would like to note for the House that Marleau and Montpetit, on page 539 of *House of Commons Procedure and Practice* states that the Speaker, has, on occasion, refused to hear a point of order during the consideration of a question of privilege. In consulting the practice of other Canadian jurisdictions on this matter, Alberta, Prince Edward Island, Ontario and Saskatchewan advise that points of order are discouraged during the raising of matters of privilege, although if a point of order is related directly to the procedure of the hearing of a matter of privilege, the point of order may be entertained. The Northwest Territories, Yukon and British Columbia advise that points of order are not commonly raised, but may be entertained. The Senate, Québec and New Brunswick advise that points of order can be raised.

Turning to Manitoba practice, an examination of the procedures of the past 30 years indicates that although it has happened infrequently, points of order have been allowed during the consideration of a matter of privilege. The raising of a point of order during the consideration of a matter of privilege happened during the following sessions: 1972, 1980/81, 1982/83/84, 1984/85, 1995/96, 1997 and 1997/98. Based on past Manitoba practice, I will therefore allow the raising of points of order during the consideration of matters of privilege in the future, however the points of order should relate either to unparliamentary language used or to any breaches of order or the rules that may occur during the raising of a matter of privilege, and should not be used to dispute the accuracy of facts or to rebut points made during the raising of the matter of privilege. A matter of privilege is a very serious matter, and deserves the priority consideration of the House. Therefore, interruptions of the raising of a matter of privilege should be kept to a minimum.

Pursuant to Rule 23(1), Mr. SCHELLENBERG, Mrs. DACQUAY, Messrs. STRUTHERS and FAURSCHOU and Ms. KORZENIOWSKI made Members' Statements.

By leave, it was agreed to waive the quorum requirement in the House for August 3, 2000.

The Order of Day having been read for consideration of Bill (No. 42) — The Public Schools Amendment and Consequential Amendments Act/Loi modifiant la Loi sur les écoles publiques et modifications corrélatives, as amended and reported from the Standing Committee on Law Amendments:

By leave, Mrs. SMITH (Fort Garry) moved:

THAT Bill 42 be amended in the proposed preamble, as set out in section 2 of the Bill,

(a) in the ninth clause, by striking out everything after "interest" and substituting "that educational resources be managed efficiently and effectively for the good of students and communities;" and

(b) in the tenth clause, by adding "and accountability" after "responsibility".

Thursday, August 3, 2000

And a debate arising,

And Mrs. SMITH (Fort Garry), Mrs. DACQUAY, Messrs. TWEED, DERKACH, DYCK, SCHULER and MAGUIRE having spoken,

And PENNER (Emerson) speaking at 6:00 p.m.

The debate was allowed to remain in his name.

By leave, on motion of Mr. DYCK:

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

Mr. TWEED for Mr. LOEWEN,
Mr. FAURSCHOU for Mr. LAURENDEAU.

The House then adjourned at 6:00 p.m. until 1:30 p.m. Tuesday, August 8, 2000.

Hon. George HICKES,
Speaker.