



LEGISLATIVE ASSEMBLY OF MANITOBA

VOTES AND PROCEEDINGS No. 61

THIRD SESSION, THIRTY-EIGHTH LEGISLATURE

PRAYERS

10:00 O'CLOCK A.M.

Pursuant to Rule 23(4), the division on the challenge to a Speaker's Ruling from June 2, 2005 was deferred as the first item of business.

By leave, Mrs. MITCHELSON withdrew her request for a recorded division.

By leave, it was agreed for the House to first deal with the Adjourned Debate on Second Reading of Bill (No. 207).

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

THAT Bill (No. 207) – The Medical Amendment Act/Loi modifiant la Loi médicale, be now read a Second Time and be referred to a Committee of this House.

And the debate continuing,

And leave having been denied to have the matter remain in the name of Ms. KORZENIOWSKI,

And Hon. Mr. SALE and, by leave, Mr. LAMOUREUX having spoken,

And the Question being put. It was agreed to.

The Bill was accordingly read a Second Time and referred to a Committee of this House.

The House resumed the Adjourned Debate on the Proposed Motion of Mrs. TAILLIEU:

THAT Bill (No. 200) – The Personal Information Protection Act/Loi sur la protection des renseignements personnels, be now read a Second Time and be referred to a Committee of this House.

And the debate continuing,

And Messrs. GOERTZEN and EICHLER having spoken,

The debate was allowed, by leave, to remain in the name of Mr. MARTINDALE.

Mr. CULLEN moved:

Resolution No. 3: Rural Healthcare

WHEREAS the Premier during the 2003 election campaign promised the communities of Erickson and Rivers that their hospitals would not close; and

WHEREAS the Premier promised to these communities that on call and emergency services would be restored by the spring of 2004; and

WHEREAS the Premier has broken his promise to the people of Rivers and Erickson; and

WHEREAS rural Manitobans especially on the west side of the province are witnessing the removal of services; and

WHEREAS doctor shortages in rural communities have reached a crisis situation resulting in the termination of such services as chemotherapy; and

WHEREAS a result of hospital services being closed, patients living in rural Manitoba have been relegated to second class citizens; and

WHEREAS the term "Hallway Medicine" has been replaced by "Highway Medicine"; and

WHEREAS this NDP government has seriously damaged the way in which rural health services are delivered.

THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba strongly urge the NDP government and the Premier to live up to their promise to the rural communities of Erickson and Rivers to restore all services as promised in the 2003 election campaign; and

BE IT FURTHER RESOVLED that the NDP government end its ill focused policy of Highway Medicine and put patients first so that rural Manitobans can receive medical treatment in their local hospitals as was promised by the Premier in 2003.

And a debate arising

And Mr. CULLEN, Messrs. NEVAKSHONOFF and MURRAY, Hon. Messrs. GERRARD and STRUTHERS having spoken.

During the debate, Mr. LAMOUREUX rose on a point of order requesting a quorum count.

WHEREUPON Mr. Speaker informed the House that there were enough Members to constitute a quorum.

Hon. Mr. STRUTHERS concluding his remarks,

And Mr. CUMMINGS speaking at 12:00 p.m. The debate was allowed to remain in his name.

1:30 O'CLOCK P.M.

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

THAT this matter be sent to a Standing Committee of the House.

And Mr. ROCAN and Hon. Mr. MACKINTOSH having spoken.

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

The following petitions were presented and read:

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. (W. Kastes, S. Gibson, D. Kastes and others)

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. (M. MacDonald, H. Fogel, M. Schellenburg)

By leave, Mrs. DRIEDGER for Mrs. MITCHELSON – Legislative Assembly of Manitoba to request that the Minister Responsible for Manitoba Hydro and the Government of Manitoba consider ensuring an informed, appropriate and fair Wuskwatim Project Development Agreement (PDA) Referendum vote, and a vote overseen by an Independent Qualified Third Party such as Elections Manitoba. (V. Linklater, K. Linklater, M. Linklater and others)

Mr. EICHLER– Legislative Assembly of Manitoba to request the Provincial Government to consider funding the PAA to ensure that we receive a reasonable COLA, and that any loss of purchasing power we will face will be minor. (D. Hunter, P. Arhuckle, M. Alpers and others)

Mr. LAMOUREUX – Legislative Assembly of Manitoba to request the Legislative Assembly of Manitoba to consider the need to seek clarification on why the Government did not act on fixing the Crocus fund back in 2001. (G. Bhar, M. Lewis, A. Thibeault and others)

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. (Y. Bedard, J. Dale, H. D. Latter)

Mr. MAGUIRE – Legislative Assembly of Manitoba to request the Provincial Government to consider funding the PAA to ensure that we receive a reasonable COLA, and that any loss of purchasing power we will face will be minor. (R. Hurst, D. Wright, G. Trowell and others)

Hon. Mr. BJORNSON presented:

Annual Report of the Teachers' Retirement Allowances Fund for the year ending December 31, 2004.

(Sessional Paper No. 92)

Pursuant to Rule 26(1), Ms. BRICK, Mr. PENNER, Hon. Mr. STRUTHERS, Mrs. TAILLIEU and Mr. JHA made Members' Statements.

Hon. Mr. MACKINTOSH moved:

THAT Bill (No. 25) – The Workers Compensation Amendment Act/Loi modifiant la Loi sur les accidents du travail, as amended and reported from the Standing Committee on Human Resources, be concurred in and be now read a Third Time and passed.

And a debate arising,

And Hon. Mr. MACKINTOSH, Messrs. LAMOUREUX, MURRAY and SCHULER, Hon. Mr. GERRARD, Mr. CULLEN and Hon. Ms. ALLAN having spoken,

And the Question being put. It was agreed to.

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

His Honour, John HARVARD, Lieutenant Governor of the Province of Manitoba, having entered the House at 3:29 p.m., and being seated on the Throne:

Mr. Speaker addressed His Honour in the following words:

Your Honour:

At this sitting, the Legislative Assembly has passed certain Bills that I ask Your Honour to give assent to.

(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)

(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)

(No. 6) – The Real Property Amendment Act/Loi modifiant la Loi sur les biens réels

(No. 7) – The Personal Investigations Amendment Act/Loi modifiant la Loi sur les enquêtes relatives aux particuliers

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

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

(No. 12) – The Liquor Control Amendment Act/Loi modifiant la Loi sur la réglementation des alcools

(No. 13) – The Milk Prices Review Amendment Act/Loi modifiant la Loi sur le contrôle du prix du lait

(No. 14) – The Electricians' Licence Amendment Act/Loi modifiant la Loi sur le permis d'électricien

(No. 15) – The Emergency Measures Amendment Act/Loi modifiant la Loi sur les mesures d'urgence

(No. 18) – Le Collège de Saint-Boniface Incorporation Amendment Act/Loi modifiant la Loi constituant en corporation le Collège de Saint-Boniface

(No. 20) – The Life Leases Amendment Act/Loi modifiant la Loi sur les baux viagers

(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)

(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)

(No. 25) – The Workers Compensation Amendment Act/Loi modifiant la Loi sur les accidents du travail

(No. 26) – The Margarine Repeal Act/Loi abrogeant la Loi sur la margarine

(No. 27) – The Horse Racing Commission Amendment and Horse Racing Regulation Repeal Act/Loi modifiant la Loi sur la Commission hippique et abrogeant la Loi sur les courses de chevaux

(No. 32) – The Rural Municipality of Kelsey By-law No. 5/02 Validation Act/Loi validant le Règlement 5/02 de la municipalité rurale de Kelsey

To these Bills the Royal Assent was announced by the Clerk of the Legislative Assembly as follows:

"In Her Majesty's name, His Honour assents to these Bills."

At 3:34 p.m., His Honour was then pleased to retire.

The Order of the Day having been read for consideration of Report Stage Amendment of Bill (No. 22) – The Water Protection Act/Loi sur la protection des eaux, reported from the Standing Committee on Social and Economic Development, the House resumed the Adjourned Debate on the Proposed Amendment of Hon. Mr. ASHTON:

THAT Bill 22 be amended by adding the following after Clause 33 as part of Part 4:

Transitional orders re commercial operations

33.1(1) A regulation made under Part 2 other than section 7, or under any of clauses 33(1)(a) to (d), may provide that an owner or operator of a commercial operation affected by the regulation may apply to a director for an order

(a) specifying a transitional plan by which the applicant may, over a specified period, come into compliance with the regulation; and

(b) exempting the applicant from the application of all or part of the regulation for that period, or any part of it.

Requirements of regulation

33.1(2) Where a regulation provides the right to apply for an order as described in subsection (1), the regulation must also provide

(a) that a director may issue an order only if he or she is satisfied that

(i) the applicant will suffer serious economic hardship unless an order is issued, and

(ii) issuing an order will not result in activities that

(A) present or may present an unacceptable risk of significant harm to water or an aquatic ecosystem, or

(B) place a drinking water source or public health at risk;

- (b) that an order may be subject to terms and conditions;
- (c) a process for appealing, to the minister,
 - (i) a director's decision whether to issue an order; and
 - (ii) a provision, term or condition of an order; and
- (d) a process for varying an order, on the application of the government or the person subject to the order, if there has been a change in circumstances.

And the proposed sub-amendment moved by Hon. Mr. ASHTON as follows:

THAT the amendment that adds section 33.1 to the Bill be amended in subsection 33.1(1)

- (a) in the section heading by striking out "commercial" and substituting "existing"; and*
- (b) in the part before clause 33.1(1)(a), by adding "or agricultural" after "commercial".*

And the debate continuing on the sub-amendment,

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

And Mr. PENNER by leave, and Mr. FAURSCHOU having spoken,

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

The House resolving into Committee of Supply.

By leave, Hon. Mr. MACKINTOSH moved:

THAT the following Sessional Orders apply to this and the next Session despite any other rule, Sessional Order or practice of this House:

1. The House is to sit on Monday, June 13, 2005, to Thursday, June 16, 2005.

Monday, June 13, 2005

2. At 5:00 p.m. on Monday, June 13, 2005, the Speaker must interrupt the proceedings and, without seeing the clock, put all questions required to conclude Report Stage on all bills then at that stage, without further debate or amendment.

Tuesday, June 14, 2005

3. Any bills considered by a Standing Committee on Monday, June 13, 2005, must be reported to the House on Tuesday, June 14, 2005, and any Report Stage amendments on those bills must be disposed of on that day before debate is called for the Opposition Day Motion.

Tuesday, June 14, 2005, is designated as a day for debate of the Opposition Day Motion proposed by the Honourable Member for Russell set out in the Order Paper of Thursday, June 9, 2005.

Wednesday, June 15, 2005

4. The House must, if necessary, sit beyond the usual adjournment hour on Wednesday, June 15, 2005, to conclude the business of supply for the 2005-06 fiscal year as follows by 8:00 p.m. on that day:

(a) by 4:00 p.m. on that day both the concurrence motion in the Committee of Supply and the concurrence motion in the House must be put; and

(b) by 8:00 p.m. on that day, all stages for the passage (including all related motions and all three readings, but not including royal assent) of the following bills must be completed:

The Appropriation Act, 2005

The Loan Act, 2005

The Budget Implementation and Tax Statutes Amendment Act, 2005

If the Committee of Supply, the Committee of the Whole, or the House has not concluded any item or stage described above by the required hour, the Committee Chairperson or the Speaker, as the case may be, must interrupt the proceedings at that time and, without seeing the clock, put all questions necessary to dispose of the required items without further debate or recorded vote.

Thursday, June 16, 2005

5. At 5:30 p.m. on Thursday, June 16, 2005, the Speaker must interrupt the proceedings and, without seeing the clock, put all questions required to conclude Concurrence and Third Reading on all bills then at that stage, without further debate or amendment.

Royal assent on all bills that have had Third Reading disposed of must take place before the House adjourns on that day.

Subsequent Sitings 2005-2006

The following are to apply for the next Legislative Session.

1. Subject to rule 2(2), the 4th Session of the 38th Legislature must begin on October 27, 2005, and must rise on December 8, 2005.
2. Subject to rule 2(2), the House is to return on March 6, 2006, and is to adjourn on March 23, 2006. The House is then to resume sitting on April 10, 2006, and must adjourn no later than June 13, 2006.

Thursday, June 9, 2005

3. A Friday on which the Committee of Supply meets counts as a separate sitting day of the House, for which there is to be an Order Paper setting out only the Orders of the Day, but Routine Proceedings are not to be held.

Two Fridays are to be designated, at the call of the Government House Leader after consulting with the independent members, as days for consideration by the independent members of the concurrence motion by the Committee of Supply from 10:00 a.m. to 12:30 p.m. On those Fridays, a quorum is not required and no question may be put to a vote.

4. All government bills introduced by April 13, 2006, must have the Second Reading Stage completed by May 18, 2006. However, the Opposition House Leader may designate up to five of those bills as bills for which the Second Reading Stage must be completed by May 31, 2006. At 4:30 p.m. on the applicable day, the Speaker must interrupt all proceedings and, without seeing the clock and without further debate or amendment, must put all questions necessary to complete the Second Reading Stage on every bill that the Speaker has called for debate at least three times.

This order does not apply to a bill unless, on or before April 13, 2005, the government has provided a written explanation of the bill to the Opposition House Leader and the independent members, with a copy to the Speaker.

This order also does not apply to The Loan Act, 2006, The Appropriation Act, 2006 or The Budget Implementation and Tax Statutes Amendment Act, 2006.

5. All government bills introduced after April 13, 2006, and not given royal assent before the end of the 4th Session of the 38th Legislature are to be reinstated during the 5th Session of the 38th Legislature at the stage they are at when the 4th Session is prorogued.

Thursday, June 8, 2006

6. At 5:00 p.m. on Thursday, June 8, 2006, the Speaker must interrupt the proceedings and, without seeing the clock, put all questions required to conclude Report Stage on all bills (other than the bills referred to in item 7(b) below) then at that stage, without further debate or amendment.

Monday, June 12, 2006

7. By the usual adjournment hour on Monday, June 12, 2006, the business of supply for the 2006-07 fiscal year must be concluded as follows:

(a) by 4:00 p.m. on that day,

(i) the consideration of departmental estimates in the Committee of Supply must be concluded, and

(ii) both the concurrence motion in the Committee of Supply and the concurrence motion in the House must be put; and

(b) by the usual adjournment hour on that day, all stages for the passage (including all related motions and all three readings) of the following bills must be completed:

The Appropriation Act, 2006

The Loan Act, 2006

The Budget Implementation and Tax Statutes Amendment Act, 2006

If the Committee of Supply, the Committee of the Whole, or the House has not concluded any item or stage described above by the required hour, the Committee Chairperson or the Speaker, as the case may be, must interrupt the proceedings at the usual adjournment hour on that day and, without seeing the clock, put all questions necessary to dispose of the required items without further debate or recorded vote.

Tuesday, June 13, 2006

8. At 5:00 p.m. on Tuesday, June 13, 2006, the Speaker must interrupt proceedings and, without seeing the clock, put all questions required to conclude Concurrence and Third Reading on all bills then at that stage, without further debate or amendment.

Royal assent on all bills that have had Third Reading disposed of must take place before the House adjourns on that day.

At the conclusion of business on that day, the Speaker must adjourn the House without a motion for adjournment. The House then stands adjourned to the call of the Speaker.

And a debate arising,

And Hon. Mr. MACKINTOSH, Messrs. DERKACH and LAMOUREUX, Hon. Mr. MACKINTOSH and, by leave, Mr. DERKACH having spoken,

And the Question being put. It was agreed to, unanimously.

The House then adjourned at 5:38 p.m. until 1:30 p.m. Monday, June 13, 2005.

Hon. George HICKES,
Speaker.