



**LEGISLATIVE ASSEMBLY OF MANITOBA**

**VOTES AND PROCEEDINGS No. 49**

**THIRD SESSION, THIRTY-EIGHTH LEGISLATURE**

**PRAYERS**

**1:30 O'CLOCK P.M.**

The following petitions were presented and read:

Mr. LOEWEN – Legislative Assembly of Manitoba to request the Provincial Government to recognize the need for a public high school in the southwest region of Winnipeg and in conjunction with the Public Schools Finance Board, to consider adequate funding to establish a high school in the southwest sector of Winnipeg. (A. Grolle, K. Thorlakson, S. Hallsson and others)

Mr. LAMOUREUX – Legislative Assembly of Manitoba to request the Provincial Government to consider adopting generally accepted accounting principles in reporting Manitoba's budgetary numbers. (F. Resendes, R. Lapatha, N. Lapatha 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. (T. Jones, K. Jones, K. Jones and others)

On motion of Mr. MAGUIRE, Bill (No. 204) – The Audiologists and Speech Language Pathologists Act/Loi sur les audiologistes et les orthophonistes, was read a First Time and had its purposes outlined.

During Oral Questions, Mr. Speaker interjected and requested that the words "he should tell the truth" spoken by the Honourable Minister of Finance be withdrawn.

WHEREUPON Hon. Mr. SELINGER withdrew his remarks.

Pursuant to Rule 26(1), Messrs. ROCAN, SCHELLENBERG and MAGUIRE, Hon. Ms. OSWALD and Hon. Mr. GERRARD made Members' Statements.

In accordance with Rule 27, Mr. ROCAN rose on a Grievance.

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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. GERRARD:

*THAT Bill 22 be amended in Clause 21(1) by adding the following at the end:*

At least one of the five must be an active farmer who is representative of agricultural practices in Manitoba.

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

*THAT the amendment to Clause 21(1) of Bill 22 be amended by adding "and at least one must be a representative of the Association of Manitoba Municipalities" at the end.*

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. LAMOUREUX having spoken,

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

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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. GERRARD:

*THAT Bill 22 be amended by adding the following after Clause 31:*

**Appeal**

**31.1** Any person who is affected by an order or decision of the minister under this Act may, within 30 days after the making of the order or decision, appeal the order or decision to The Municipal Board, and the decision of The Municipal Board, notwithstanding anything to the contrary in *The Municipal Board Act*, is final and not subject to further appeal.

And the debate continuing on the amendment,

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

And the Question being put. It was negatived.

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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. GERRARD:

*THAT Bill 22 be amended in Clause 24*

*(a) by striking out "and" at the end of clause (3)(b), adding "and" at the end of clause (3)(c) and adding the following after clause (3)(c):*

(d) to pay compensation to an owner or occupant of land who suffers loss or damage as a result of

(i) a previously permitted use, activity or thing associated with the land being governed, regulated or prohibited because of the land's being within an area designated as a water quality management zone, or

(ii) anything done by the minister due to a serious water shortage being declared.

*(b) by adding the following after clause (4)(a):*

(a.1) compensation paid under clause (3)(d) – but not exceeding the amount contained in the fund – on any terms and conditions the minister considers appropriate;

And the debate continuing on the amendment,

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

And Messrs. LAMOUREUX and PENNER having spoken,

And the Question being put. It was negatived.

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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 Mr. FAURSCHOU:

*THAT Bill 22 be amended in Clause 4(2)*

*(a) in the part before clause (a), by striking out "may" and substituting "must"; and*

*(b) in clause (b), by adding ", salt" after "nutrients".*

And the debate continuing on the amendment,

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

And the Question being put. It was negatived.

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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 Mr. FAURSCHOU:

*THAT Bill 22 be amended*

*(a) in Clause 7(1), by striking out "If the minister" and substituting "If the Lieutenant Governor in Council"; and*

*(b) in Clauses 7(1) and (4), by striking out "minister may declare" and substituting "Lieutenant Governor in Council may, by order, declare".*

And the debate continuing on the amendment,

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

And the Question being put. It was negatived.

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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 Mr. FAURSCHOU:

*THAT Bill 22 be amended in Clause 7(5)(b) by striking out "a regulation made or".*

And the debate continuing on the amendment,

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

And the Question being put. It was negatived.

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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 Mr. FAURSCHOU:

*THAT Bill 22 be amended by replacing Clause 7(6) with the following:*

**Priority of *The Water Rights Act***

**7(6)** A permit or licence issued under *The Water Rights Act* prevails over a regulation made or order issued under this section.

And the debate continuing on the amendment,

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

And the Question being put. It was negatived.

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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 Mr. FAURSCHOU:

*THAT Bill 22 be amended in Clause 23 by adding "and must refer to the water council the responsibility to monitor the development and implementation of watershed management plans" after "to the water council".*

And the debate continuing on the amendment,

And Mr. PENNER having spoken,

And the Question being put. It was negatived.

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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 Mr. FAURSCHOU:

*THAT Bill 22 be amended in Clause 24(4)(b) by striking out "the fund or".*

And the debate continuing on the amendment,

And Mr. PENNER having spoken,

And the Question being put. It was negatived.

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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 Mr. FAURSCHOU:

*THAT Bill 22 be amended by adding the following after Clause 32:*

**Appeals**

**32.1(1)** A person who is affected by an order under this Act or under the regulations may appeal the order to the Municipal Board within 30 days after the order is made.

**Stay of order**

**32.1(2)** Unless the Municipal Board orders otherwise, the order appealed and any proceedings to enforce it are stayed from the filing of the appeal until the Municipal Board decides the appeal.

**Exception when order relates to pollution**

**32.1(3)** Subsection (2) does not apply to an order that relates to or is issued to prevent or mitigate water pollution.

And the debate continuing on the amendment,

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

And the Question being put. It was negatived.

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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 Interrupted Debate on the Proposed Amendment of Mr. FAURSCHOU:

*THAT Bill 22 be amended in Clause 33(3) by striking out "Part 2 other than section 7, or under any of clauses 33(1)(a) to (d)" and substituting "any provision of this Act".*

And the debate continuing on the amendment,

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

And the Question being put. It was negatived.

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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 striking out "and" at the end of Clause 2(d), and replacing Clause 2(e) with the following:*

(e) the need to protect riparian areas and wetlands; and

(f) the benefits of providing financial incentives for activities that protect or enhance water, aquatic ecosystems or drinking water sources.

And the debate continuing on the amendment,

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

And Messrs. PENNER, FAURSCHOU and CUMMINGS having spoken,

And the Question being put. It was agreed to.

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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 2 as part of Part 1:*

**Director of water protection**

**2.1** The minister may designate one or more persons as directors of water protection.

And the debate continuing on the amendment,

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

And Messrs. PENNER and FAURSCHOU having spoken,

And the Question being put. It was agreed to.

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

THAT Bill (No. 25) – The Workers Compensation Amendment Act/Loi modifiant la Loi sur les accidents du travail, be now read a Second Time and be referred to a Committee of this House.

And the debate continuing,

And Messrs. MAGUIRE, LOEWEN and LAMOUREUX having spoken,

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

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

THAT Bill (No. 30) – The Manitoba Agricultural Services Corporation Act/Loi sur la Société des services agricoles du Manitoba, be now read a Second Time and be referred to a Committee of this House.

And the debate continuing,

**Wednesday, May 18, 2005**

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And Mr. MAGUIRE having spoken,

And Mr. CUMMINGS speaking at 5:30 p.m. The debate was allowed to remain in his name and, by leave, in the name of Mr. EICHLER.

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The House then adjourned at 5:30 p.m. until 10:00 a.m. Thursday, May 19, 2005.

Hon. George HICKES,  
Speaker.