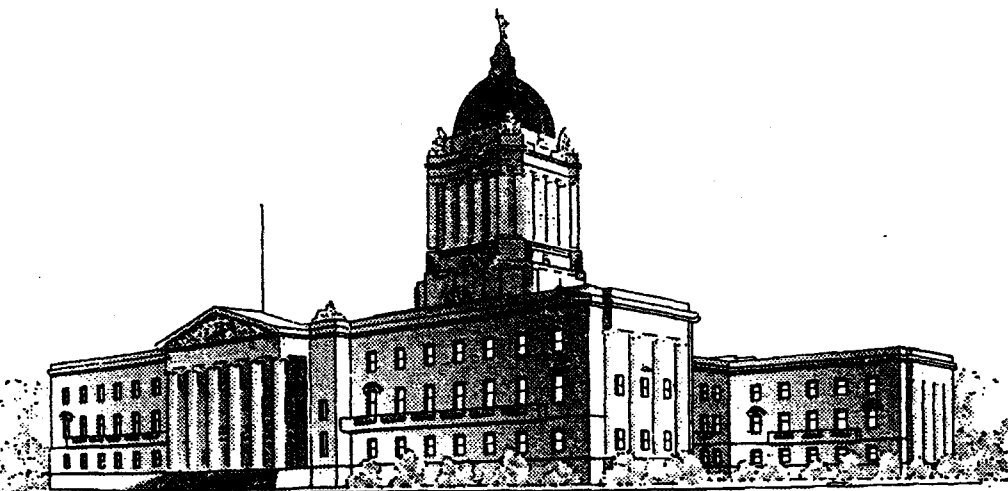




Fifth Session - Thirty-Fifth Legislature
of the
Legislative Assembly of Manitoba

Standing Committee
on
Private Bills

Chairperson
Mr. Jack Reimer
Constituency of Niakwa



Vol. XLIII No. 1 - 7 p.m., Tuesday, June 28, 1994

MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Fifth Legislature

Members, Constituencies and Political Affiliation

NAME	CONSTITUENCY	PARTY
ASHTON, Steve	Thompson	NDP
BARRETT, Becky	Wellington	NDP
CARSTAIRS, Sharon	River Heights	Liberal
CERILLI, Marianne	Radisson	NDP
CHOMIAK, Dave	Kildonan	NDP
CUMMINGS, Glen, Hon.	Ste. Rose	PC
DACQUAY, Louise	Seine River	PC
DERKACH, Leonard, Hon.	Roblin-Russell	PC
DEWAR, Gregory	Selkirk	NDP
DOER, Gary	Concordia	NDP
DOWNEY, James, Hon.	Arthur-Virden	PC
DRIEDGER, Albert, Hon.	Steinbach	PC
DUCHARME, Gerry, Hon.	Riel	PC
EDWARDS, Paul	St. James	Liberal
ENNS, Harry, Hon.	Lakeside	PC
ERNST, Jim, Hon.	Charleswood	PC
EVANS, Clif	Interlake	NDP
EVANS, Leonard S.	Brandon East	NDP
FILMON, Gary, Hon.	Tuxedo	PC
FINDLAY, Glen, Hon.	Springfield	PC
FRIESEN, Jean	Wolseley	NDP
GAUDRY, Neil	St. Boniface	Liberal
GILLESHAMMER, Harold, Hon.	Minnedosa	PC
GRAY, Avis	Crescentwood	Liberal
HELWER, Edward R.	Gimli	PC
HICKES, George	Point Douglas	NDP
KOWALSKI, Gary	The Maples	Liberal
LAMOUREUX, Kevin	Inkster	Liberal
LATHLIN, Oscar	The Pas	NDP
LAURENDEAU, Marcel	St. Norbert	PC
MACKINTOSH, Gord	St. Johns	NDP
MALOWAY, Jim	Elnwood	NDP
MANNES, Clayton, Hon.	Morris	PC
MARTINDALE, Doug	Burrows	NDP
McALPINE, Gerry	Sturgeon Creek	PC
McCORMICK, Norma	Osborne	Liberal
McCRAE, James, Hon.	Brandon West	PC
McINTOSH, Linda, Hon.	Assiniboia	PC
MITCHELSON, Bonnie, Hon.	River East	PC
ORCHARD, Donald, Hon.	Pembina	PC
PALLISTER, Brian	Portage la Prairie	PC
PENNER, Jack	Emerson	PC
PLOHMAN, John	Dauphin	NDP
PRAZNIK, Darren, Hon.	Lac du Bonnet	PC
REID, Daryl	Transcona	NDP
REIMER, Jack	Niakwa	PC
RENDER, Shirley	St. Vital	PC
ROBINSON, Eric	Rupertsland	NDP
ROCAN, Denis, Hon.	Gladstone	PC
ROSE, Bob	Turtle Mountain	PC
SANTOS, Conrad	Broadway	NDP
SCHELLENBERG, Harry	Rossmere	NDP
STEFANSON, Eric, Hon.	Kirkfield Park	PC
STORIE, Jerry	Flin Flon	NDP
SVEINSON, Ben	La Verendrye	PC
VODREY, Rosemary, Hon.	Fort Garry	PC
WOWCHUK, Rosann	Swan River	NDP

LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON PRIVATE BILLS

Tuesday, June 28, 1994

TIME — 7 p.m.

LOCATION — Winnipeg, Manitoba

CHAIRPERSON — Mr. Jack Reimer (Niakwa)

ATTENDANCE - 7 — QUORUM - 6

Members of the Committee present:

Messrs. Evans (Brandon East), Lamoureux, Laurendeau, McAlpine, Reimer, Mrs. Render, Mr. Rose

APPEARING:

Shirley Strutt, Legislative Counsel

MATTERS UNDER DISCUSSION:

Bill 206—The Coat of Arms, Emblems and The Manitoba Tartan Amendment Act

Bill 300—An Act to Amend an Act to Continue Brandon University Foundation

Bill 301—The Misericordia General Hospital Incorporation Amendment Act

Bill 302—The Manitoba Historical Society Incorporation Act

* * *

Mr. Chairperson: Order please. Will the Standing Committee on Private Bills please come to order.

We have before us the following bills to consider: Bill 206, The Coat of Arms, Emblems and The Manitoba Tartan Amendment Act; Bill 300, An Act to Amend an Act to Continue Brandon University Foundation; Bill 301, The Misericordia General Hospital Incorporation Amendment Act; Bill 302, The Manitoba Historical Society Incorporation Act.

For the committee's information, copies of the bills are available on the table behind me. It is our custom to hear presentations from the public

before the detailed consideration of bills. At this point there are no persons registered to speak on Bills 206, 300, 301 and 302.

Is there anyone in the audience today who would like to make a presentation to the committee on any of these bills before the committee? No? Seeing none, we will proceed with the detailed consideration of the bills.

In what order would the committee like to consider the bills? Shall we begin with Bill 206? Agreed?

An Honourable Member: No.

Mr. Chairperson: Okay, then we will go with Bill 300?

Mrs. Shirley Render (St. Vital): We have one person in the audience who is here from the Manitoba Historical Society, so if there is no—

Mr. Chairperson: Okay. They can sit.

Bill 300—An Act to Amend an Act to Continue Brandon University Foundation

Mr. Chairperson: We will then proceed to Bill 300. Prior to hearing opening statements from the sponsor and the critics we will hear from legal counsel. Bill 300 is what we have under consideration right now.

Ms. Shirley Strutt (Legislative Counsel): Mr. Chairperson, members of the committee, as required by Rule 108 of the rules of the house, I now report that I have examined Bill 300, An Act to Amend an Act to Continue Brandon University Foundation and have not noted any exceptional powers sought or any other provision of the bill requiring special consideration.

Mr. Chairperson: Thank you very much. Does the sponsor of the bill, Mr. Evans, Brandon East, have any opening statements.

Mr. Leonard Evans (Brandon East): Well, very briefly, the bill essentially allows the foundation to expand its membership, which enables it to be more effective because it is now going to draw upon people throughout Canada who are alumni of Brandon University to help out, including some important TV personalities, I understand. So it is going to assist the foundation in raising funds in the future, so I would trust there would be unanimity.

Point of Order

Mr. Leonard Evans: Just on a point of order, there is a motion I have regarding the fees paid. This is nonnally moved, so shall I move it at this point?

Mr. Chairperson: You can proceed with the motion now.

* * *

Mr. Leonard Evans: I move that this bill recommends that the fees paid with respect to Bill 300, An Act to Amend an Act to Continue Brandon University Foundation, be refunded less the cost of printing.

Motion agreed to.

Mr. Chairperson: Are there any other comments from other committee members? No?

An Honourable Member: No.

Mr. Chairperson: The bill will now be considered clause by clause. During the consideration of the bill, the Title and the Preamble are postponed until all clauses have been considered in their proper order by the committee.

Clauses 1 to 3 inclusive—pass; Preamble—pass; Title—pass. Bill as amended be reported.

An Honourable Member: Did you say Clause 4?

Mr. Chairperson: I said Clauses 1 to 3—

An Honourable Member: —and 4.

Mr. Chairperson: Is there 4?

An Honourable Member: Yes, there are four clauses.

Mr. Chairperson: Oh, pardon me. Shall Clauses 1, 2, 3 and 4 inclusively pass? The clauses are accordingly passed. Bill be reported.

Is it the will of the committee that I report the bill? [agreed]

Bill 301—The Misericordia General Hospital Incorporation Amendment Act

Mr. Chairperson: We will now proceed to Bill 301.

Prior to hearing opening statements from the sponsor and the critics, we will hear from legal counsel.

Ms. Shirley Strutt (Legislative Counsel): Mr. Chairperson, members of the committee, as required by Rule 108 of the Rules of the House, I now report that I have examined Bill 301, The Misericordia General Hospital Incorporation Amendment Act, and have not noted any exceptional powers sought or any other provision of the bill requiring special consideration.

Mr. Chairperson: Thank you very much. Does the sponsor of the bill, Mr. Laurendeau, have any opening statement?

Mr. Marcel Laurendeau (St. Norbert): No opening statement, Mr. Chairperson. I just move that the committee recommend that the fees paid with respect to Bill 301, The Misericordia General Hospital Incorporation Amendment Act, be refunded less the cost of printing.

Motion agreed to.

Mr. Chairperson: The bill will now be considered clause by clause. During the consideration of the bill, the Title and the Preamble are postponed until all clauses have been considered in their proper order by the committee.

Clauses 1 to 4 inclusive—pass; Preamble—pass; Title—pass. Bill be reported.

Is it the will of the committee that I report the bill? [agreed]

Bill 302—The Manitoba Historical Society Incorporation Act

Mr. Chairperson: We will now proceed with Bill 302.

Prior to hearing opening statements from the sponsor and the critics, we will hear from legal counsel.

Ms. Shirley Strutt (Legislative Counsel): Mr. Chairperson, members of the committee, as required by Rule 108 of the Rules of the House, I now report that I have examined Bill 302, The Manitoba Historical Society Incorporation Act.

As the Preamble sets out, this private bill establishes the corporate status of the Manitoba Historical Society, which was lost with the repeal of an act to incorporate the Historical and Scientific Society of Manitoba. Section 10 of the bill validates the corporate decision making of the Manitoba Historical Society during the period when it was without corporate status. While this is an unusual situation, the corporation is not seeking any exceptional powers, and the saving provision in Section 10 preserves the rights of third parties and validates only decisions otherwise lawfully made.

Mr. Chairperson: Thank you. Does the sponsor of the bill, Mrs. Render, have any opening statement?

Mrs. Shirley Render (St. Vital): Well, I am very pleased to act as sponsor to this bill. As I stated earlier, the Manitoba Historical Society's original incorporating act was repealed inadvertently in 1990. The society is now asking that this act be passed to re-establish its corporate status and to ensure that its decision making since the original act was repealed is valid and enforceable.

I will just make reference to the fact that the Manitoba Historical Society has played and continues to play an important role in preserving this province's heritage, and passage of this bill will ensure its corporate status and thus allow the society to continue its very important role.

I move that this committee recommends that the fees paid with respect to Bill 302, The Manitoba Historical Society Incorporation Act, be refunded less the cost of printing.

Motion agreed to.

Mr. Chairperson: The bill will now be considered clause by clause. During the consideration of the bill, the Title and Preamble are postponed until all clauses have been considered in their proper order by the committee.

Clauses 1, 2, 3, 4—pass; Clauses 5-11 inclusive—pass.

Mr. Leonard Evans (Brandon East): I am very supportive of the bill. I just wondered, and I guess I missed the discussion in the second reading, but there was just a straight oversight on the part of someone to allow this to happen that they were not included in the re-enacted statutes in 1990.

Mrs. Render: My understanding is that it should have been re-enacted in English and French, and the society was given to understand that it was not necessary to do it, so it felt that it could continue its existence without its essentially legal status because it was filing everything with the corporations—it was just felt that it was not necessary. As I say it had received, I think, perhaps, incorrect advice.

* (1910)

Ms. Strutt: I think there was a slight misunderstanding with the society, and they made an assumption that they had continued under The Corporations Act and were appropriately carrying on business under The Corporations Act. When it transpired, they were not. So it is purely inadvertence.

Mr. Leonard Evans: Yes, and this validates everything back to that point.

Mr. Chairperson: Preamble—pass; Title—pass. Bill be reported.

Is it the will of the committee that I report the bill? [agreed]

Bill 206—The Code of Arms, Emblems and the Manitoba Tartan Amendment Act

Mr. Chairperson: We will now proceed with Bill 206, The Code of Arms, Emblems and the Manitoba Tartan Amendment Act (Loi modifiant la Loi sur les armoiries, les emblèmes et le tartan du Manitoba). Does the member responsible for Bill 206 have any opening statement?

Mr. Gerry McAlpine (Sturgeon Creek): Mr. Chairperson, just a couple of remarks. It is my pleasure to introduce this bill and to ask for the support of members. This is a bill that basically is an amendment to The Coat of Arms, Emblems and the Manitoba Tartan Amendment Act, whereas it

would declare April 6 as Tartan Day in Manitoba into perpetuity. This, as we have experienced in the past three years, has been proclaimed April 6 by the Premier's Proclamation each year in the past three years, and what we want to do with this amendment is to give this recognition without the proclamation but to have it declared as Tartan Day April 6 in each year—to be declared as Manitoba Tartan Day.

Mr. Chairperson: Do any other members of the committee have any opening statements?

Mr. Kevin Lamoureux (Inkster): Yes, Mr. Chairperson, I just wanted to make comment actually on all four bills, if I may, just to indicate that there was unanimous support on all four bills going even through the committee stage, this being

of course one of them and I am quite prepared to see it pass.

Mr. Chairperson: I thank the member for those opening comments. The bill will now be considered clause by clause. During consideration of the bill, the Title and Preamble are postponed until all clauses have been considered in their proper order by the committee.

Clauses 1 to 3 inclusive—pass; Preamble—pass; Title—pass. Bill be reported.

Is it the will of the committee that I report the bill? [agreed]

The time being 7:13, committee rise.

COMMITTEE ROSE AT: 7:13 p.m.