



Third Session - Thirty-Seventh Legislature
of the
Legislative Assembly of Manitoba
Standing Committee
on
Private Bills

Chairperson
Ms. Nancy Allan
Constituency of St. Vital



MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Seventh Legislature

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LATHLIN, Oscar, Hon.	The Pas	N.D.P.
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McGIFFORD, Diane, Hon.	Lord Roberts	N.D.P.
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NEVAKSHONOFF, Tom	Interlake	N.D.P.
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PITURA, Frank	Morris	P.C.
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ROCAN, Denis	Carman	P.C.
RONDEAU, Jim	Assiniboia	N.D.P.
SALE, Tim, Hon.	Fort Rouge	N.D.P.
SANTOS, Conrad	Wellington	N.D.P.
SCHELLENBERG, Harry	Rossmere	N.D.P.
SCHULER, Ron	Springfield	P.C.
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SMITH, Joy	Fort Garry	P.C.
SMITH, Scott, Hon.	Brandon West	N.D.P.
STEFANSON, Heather	Tuxedo	P.C.
STRUTHERS, Stan	Dauphin-Roblin	N.D.P.
TWEED, Mervin	Turtle Mountain	P.C.
WOWCHUK, Rosann, Hon.	Swan River	N.D.P.

LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON PRIVATE BILLS

Thursday, August 8, 2002

TIME – 7 p.m.

LOCATION – Winnipeg, Manitoba

CHAIRPERSON – Ms. Nancy Allan (St. Vital)

VICE-CHAIRPERSON – Mr. Jim Rondeau (Assiniboia)

ATTENDANCE - 11 – QUORUM - 6

Members of the Committee present:

Mses. Allan, Asper, Messrs. Helwer, Maguire, Maloway, Martindale, Penner (Emerson), Reimer, Rondeau, Schellenberg, Struthers.

APPEARING

Hon. Gord Mackintosh, Minister of Justice and Attorney General

WITNESSES:

Bill 301–The Assiniboine Memorial Curling Club Holding Company Limited Additional Powers Act

Mr. John Callum, Assiniboine Memorial Curling Club

Mr. Jake Harms, Deputy Law Officer of the House

Bill 302–The Congregation Etz Chayim Amalgamation Act

Mr. Jack London, Congregation Etz Chayim

Mr. Jake Harms, Deputy Law Officer of the House

Bill 303–The Salvation Army William and Catherine Booth College Incorporation Amendment Act

Mr. Jake Harms, Deputy Law Officer of the House

Mr. Ray Taylor, The Salvation Army William and Catherine Booth College

Bill 304–The Winnipeg Real Estate Board Incorporation Amendment Act

Mr. Jake Harms, Deputy Law Officer of the House

MATTERS UNDER CONSIDERATION:

Bill 301–The Assiniboine Memorial Curling Club Holding Company Limited Additional Powers Act

Bill 302–The Congregation Etz Chayim Amalgamation Act

Bill 303–The Salvation Army William and Catherine Booth College Incorporation Amendment Act

Bill 304–The Winnipeg Real Estate Board Incorporation Amendment Act

Mr. Clerk Assistant (Rick Yarish): Good evening. Will the Standing Committee on Private Bills please come to order? Our first order of business is the election of a Chairperson. Are there nominations?

Mr. Stan Struthers (Dauphin-Roblin): I would like to propose that Ms. Nancy Allan take the Chair.

Mr. Clerk Assistant: Ms. Allan has been nominated. Are there further nominations? Seeing none, Ms. Allan is appointed Chairperson. Would you please take the Chair.

Madam Chairperson: Our next order of business is the election of a Vice-Chairperson. Are there any nominations?

Mr. Struthers: Madam Chair, I would nominate Mr. Rondeau.

Madam Chairperson: Thank you. Jim Rondeau has been nominated. Are there any further nominations? Seeing none, Jim Rondeau is appointed Vice-Chairperson.

This meeting has been called to consider the following bills: Bill 301, The Assiniboine Memorial Curling Club Holding Company Limited Additional Powers Act; Bill 302, The Congregation Etz Chayim Amalgamation Act; Bill 303, The Salvation Army William and Catherine Booth College Incorporation Amendment Act and Bill 304, The Winnipeg Real Estate Board Incorporation Amendment Act.

We do have presenters registered to speak to these bills. On Bill 301, we have John Callum from the Assiniboine Memorial Curling Club. On Bill 303, we have Ray Taylor with The Salvation Army William and Catherine Booth College. Is there anyone else in attendance today who wishes to make a presentation to the committee on these bills? Please register with the attendant at the back of the room.

For the information of presenters, 20 copies of any written versions of presentations would be appreciated. If you require assistance with photocopying, please see the attendant at the back of the room.

How does the committee propose to deal with presenters who are not in attendance today, but have their names called? Shall they be dropped to the bottom of the list, and then dropped from the list entirely after being called twice? *[Agreed]*

I would also like to announce a presenter for Bill 302, Professor Jack London.

So there is agreement then to have the names called, and they will be dropped to the bottom of the list entirely after being called twice.

Did the committee wish to set time limits on presentations?

Mr. Struthers: I would suggest 15-minute presentations, 5-minute question and answer, just like we have been doing all along.

Madam Chairperson: Is there agreement? *[Agreed]*

As a courtesy to presenters, are there any suggestions as to how late the committee should sit this evening?

Mr. Jim Rondeau (Assiniboia): Until the committee business is finished.

Madam Chairperson: Agreement? *[Agreed]*
What order would you like to have the bills presented?

Mr. Doug Martindale (Burrows): Madam Chairperson, I would like to ask for Bill 303 to be called first to accommodate one of the presenters and then the other bills as listed on the Order Paper.

Madam Chairperson: So we will have Bill 303, then Bills 301, 302 and 304. Is there agreement? *[Agreed]*

Bill 303—The Salvation Army William and Catherine Booth College Incorporation Amendment Act

Madam Chairperson: I will now call on Ray Taylor to make his presentation. Do you have written copies for distribution to committee members?

Mr. Ray Taylor (The Salvation Army William and Catherine Booth College): No, Madam Chair. You and your colleagues will be relieved to know that although I am registered to make a presentation, I have no intention of doing any such thing. I am counsel for The Salvation Army William and Catherine Booth College. I thought I should appear in case any of you members of the committee have any questions. If you have, I will be delighted to try to answer them. If not, I will leave you in peace.

Madam Chairperson: Thank you very much, Mr. Taylor. Are there any questions? There are

no questions, Mr. Taylor. Thank you very much for being with us this evening.

Mr. Taylor: Thank you, Madam Chair, and your colleagues, for accommodating me.

Bill 301—The Assiniboine Memorial Curling Club Holding Company Limited Additional Powers Act

Madam Chairperson: I will now call on Mr. John Callum to present on Bill 301. Do you have any written copies for distribution to committee members, Mr. Callum.

Mr. John Callum (Assiniboine Memorial Curling Club): No written comments, Madam Chair. I will be very brief.

I am here this evening on behalf of the Assiniboine Memorial Curling Club, both the holding company and the operating club, speaking in support of the bill, and here to answer any questions that any of the committee members may have.

Madam Chairperson: Thank you, Mr. Callum. Are there any questions?

Mr. Jim Rondeau (Assiniboia): I would just like to thank you for all your work in piloting this through the amazing maze of private members' bills, and all your work in getting the lawyer, and all the work that has gone into producing this bill. Thank you very much, and thank your executive very much for their hard work.

Mr. Callum: Thank you very much.

Bill 302—The Congregation Etz Chayim Amalgamation Act

Madam Chairperson: I will now call on Jack London to make his presentation on Bill 302. I know Mr. London has written copies to be distributed. You can proceed, Mr. London.

Mr. Jack London (Congregation Etz Chayim): Chair, and members of the committee. My name is Jack London. I have a slightly longer presentation to make tonight because the event is of monumental effect in the Jewish community in Winnipeg and, therefore, deserves a record in the course of these legislative proceedings.

I have with me this evening the presidents and senior officers of two of the three former synagogue congregations and representatives of each of the congregations which have come together to create a rock of egalitarian, conservative Judaism in a north-end synagogue, Congregation Etz Chayim. Let me introduce to you those who are here. Sharon Bronstone of the Beth Israel Synagogue was unable to be here, but Morris Silver of the Bnay Abraham Synagogue is here and Merrill Shulman of the Rosh Pina Congregation. We have with us, also, the president of the new Congregation Etz Chayim, Sid Kasner.

Some two years ago, I was both privileged and flattered to have been invited by two synagogues in Winnipeg's North End, Rosh Pina and Beth Israel, to act as a mediator/facilitator for them in their search to find a merger of their two congregations into one. Having accepted that challenge and the opportunity for me to give something back to the community that had spawned me, much, I am sure, to the chagrin of many, I was later delighted when the Bnay Abraham Synagogue also entered the mediation with the mutual consent of all three parties to tackle the creation of a single, egalitarian, conservative synagogue in the North End of Winnipeg.

The task before the three congregations had been attempted many times in the past unsuccessfully, and all were aware of how difficult it would be to achieve agreement on this occasion, even given the dwindling demographic resources and, therefore, financial resources available to each of the three synagogues as the migration of Winnipeg Jewry moved ever more steadily from north to south.

Nevertheless, a steering committee comprised of representatives of each of the congregations met frequently and with great dedication in my office over the ensuing months. Those 20 or so representatives, some of whom are here this evening, were joined by a host of members on a number of subcommittees, each tasked with researching and developing solutions on each and every aspect of synagogue life in a search for a collective answer. In all, perhaps 40 to 60 people, aided by the good counsel of Don Bowes, who also is here this evening, gave of their time, their energy, their wisdom and, above

all, their good will and dedication to see the process to its completion.

I am delighted to say that the bill presently under study by this committee is an outcome of that process. On April 15, in referenda held in each of the congregations individually, a detailed and comprehensive agreement in principle merging the three synagogues, effective as of April 15, 2002, was overwhelmingly approved and ratified by the memberships of the congregations.

The statistics speak for themselves. At the Bnai Abraham, out of a possible 228 voters, 138 voted, 117 in favour of the merger and 21 opposed, an approval rating of 84 percent. At the Beth Israel, out of a potential 208 voters, 125 voted, 108 in favour, 17 opposed, an approval rating of 86.4 percent. At the Rosh Pina, similarly, out of 401 votes cast, 396 voted in favour and 5 opposed, a percentage voting in favour of 98.7 percent.

There are two short notes that ought to be left on the official record for posterity. First, the reason the process worked: The agreement in principle was entered into between the congregational representatives on the steering committee and then overwhelmingly approved by the memberships of the synagogues, certainly but not exclusively because of the tendency of Jewish life in Winnipeg to be on the move in a southerly direction, thereby reducing the numbers and resources of the Jewish community in north Winnipeg. Equally importantly, there is a strong, large and viable Jewish community in Winnipeg's North End and many from other parts of the city and province who continue to prefer to worship in their own way in Winnipeg's North End. So though necessity was the assistant of the steering committee, the desire to have a viable, multi-faceted, economically and demographically sound place of egalitarian conservative Jewish worship in Winnipeg's North End constituted the overwhelming drive and desire of the populace. May I add parenthetically that the use of the word conservative in Judaism is not a political reference.

* (19:10)

In fact, it would not be too much of a stretch, either linguistically or politically, to say

this merger represents one of the great watersheds and accomplishments of Jewish history in Manitoba. With this merger, not only is the continued presence of a dynamic place of egalitarian conservative Jewish worship guaranteed long into the future in north Winnipeg, but it also represents a statement by the Jewish community of Winnipeg that it is committed to its roots, to its origins and to the place that its forefathers first came and built their lives, in this city. We are all exceedingly proud to have been a part of protecting their legacy.

Secondly, the process and difficulties of merging organizations or institutions of any kind or size is the stuff of its own extensive literature and study. It is no mean task ever. We can tell you that the task of bringing together in harmony the merger of three synagogues with quite varied histories, two of them long enmeshed in their own cultures, their own liturgy and ritual, one of them having to transcend the distance in a single leap from a traditional ritual to egalitarian conservative and each of them having not only leaderships filled with strengths, ego and passion but also memberships filled with individuals each of whom also had their own bottom lines. Well, let me just say this merger is already the stuff of legend in the Manitoba Jewish community, the sort of thing they will write about one day as they speak of it today in awe with respect and by saying it is hard to believe you actually were able to get the job done.

I emphasize the difficulties in order to be able to make this point. This merger resulted because a large number of people, both steering committee and subcommittee members, took off their armour, dropped their masks, put on their caps of reason and transmitted their passion from individual to collective pursuits. This is a group of people who came to unbelievably difficult and complex decisions without a vote ever being taken. Consensus was our process and our grace. Not everybody obtained everything they wished but everybody obtained what they needed and satisfaction levels are overwhelmingly high. My hat goes off to all of the participants because they demonstrated that the most difficult of tasks is achievable if those involved use common sense, good judgment and co-operative rather than competitive attitudes.

The bill before you today when enacted and when given Royal Assent will merge the legal structures of the three former synagogues into a single, strong, dynamic, viable institution, Congregation Etz Chayim, but the heart and the spirit of Congregation Etz Chayim, its real foundation, will be found not in the text of the bill but in the goodwill of the people who saw to its creation.

I want to take the opportunity to thank the Attorney General, Gord Mackintosh, who responded fully and completely to our request for assistance in seeing this legislation come forward. I also want to thank Doug Martindale for having come forward to sponsor the bill and to have shepherded its process through to this point, and may I express my profound appreciation to Legislative Counsel, though it is misspelled in the text, for their always exemplary effort and attention to detail in the drafting of the legislation itself.

Members of our delegation and I are available to respond to questions if there are any. In any event we thank the committee for its time, attention and we hope approval of the result with just a breath to spare actually before the Jewish High Holy Days begin at the outset of September.

Madam Chairperson: Thank you very much for your presentation.

Mr. Doug Martindale (Burrows): I just want to congratulate Mr. London and other people who worked extremely hard to bring about this amalgamation. As you have pointed out in your brief, it was not easy but you have done a wonderful job I think in drafting this legislation and bringing the congregations together. I look forward to participating when the official opening happens which I assume you will have some sort of ceremony to commemorate. Thank you.

Madam Chairperson: Mr. London, any comments?

Mr. London: I have no response to that. How could I be anything but flattered?

Hon. Gord Mackintosh (Minister of Justice and Attorney General): Well, Jack, when we

first spoke on this matter, you were saying it was going to a vote. I thought well, good luck on this one, Jack, of course, if anyone could do it. I am just so pleased to hear of the outcome. We recognize this as a very, very important moment for north Winnipeg.

In particular, this is assuring not only a Jewry of north Winnipeg of a spiritual anchor continuing in the community, but it helps to assure us of the continuing strength and vitality of the Jewish peoples of north Winnipeg, which is so important. Thanks very much, Jack. Thanks to all the synagogues.

I am somewhat familiar with the history of the Presbyterian Church and some of the tributaries, and the comings and goings and I tell you this was a great achievement. I think it just strengthens the whole community of the city, I think.

Mr. London: I understand, Mr. Attorney, that organizations and other religions have their difficulties, but I have to tell you there is nothing like working with a bunch of Jews.

Madam Chairperson: Thank you very much.

Mr. London: Are we excused?

Madam Chairperson: Yes.

Mr. London: Thank you, Madam Chair.

Madam Chairperson: Is there anyone else in attendance today who wishes to make a presentation to the committee on these bills? Hearing none, is it the will of the committee to proceed with clause-by-clause consideration of these bills? *[Agreed]*

In what order would the committee like to consider the bills?

Mr. Jim Rondeau (Assiniboia): Numerically, Madam Chair.

Madam Chairperson: Numerically. Is there agreement? *[Agreed]*

Thank you. During the consideration of these bills, the preambles, enacting clauses and titles are postponed until all other clauses have

been considered in their proper order. Also, if there is agreement from the committee, the Chair will call clauses in blocks that conform to pages with the understanding that we stop at any particular clause or clauses where members may have comments, questions or amendments to propose. Is that agreed? *[Agreed]*

Bill 301—The Assiniboine Memorial Curling Club Holding Company Ltd. Additional Powers Act

Madam Chairperson: We will first hear a report on the bill from Legislative Counsel.

Mr. Jake Harms (Deputy Law Officer of the House): To the committee of the Assembly considering Bill 301, *The Assiniboine Memorial Curling Club Holding Company Ltd. Additional Powers Act*.

As required by Rule 121 of the *Rules, Orders and Forms of Proceeding of the Legislative Assembly of Manitoba*, I have examined Bill 301, *The Assiniboine Memorial Curling Club Holding Company Ltd. Additional Powers Act* and would like to draw the committee's attention to sections 1 and 4 that would allow Assiniboine Memorial Curling Club Holding Company Ltd. to assess annual charges against holders of its preference shares and to redeem the preference shares and apply the redemption price in payment of any unpaid charges.

I have been advised by legal counsel to Assiniboine Memorial Curling Club Holding Company Ltd. that

(a) these powers are sought in order to facilitate a proposed amalgamation of the corporation which owns the curling club's facilities, and another corporation that operates the curling club; and

(b) there is no other practical way to facilitate the proposed amalgamation.

Although the powers sought are unusual for ordinary corporations, they are powers that the Legislature granted under a number of private bills for similar organizations in the past. During the years from 1978 to 1983, the Legislature passed five private acts that granted the same

additional powers to other corporations, being four curling clubs and one golf club.

Madam Chairperson: We thank staff from Legislative Counsel for that report. Does the member sponsoring the bill have an opening statement?

Mr. Jim Rondeau (Assiniboia): The vast majority of people considering this bill are members of the operating club and holding shares voted, I think it was about 97 percent in favour of merging the two companies, and it is the only way that they can financially go forward because the two separate companies cost a great deal in audit and operating.

* (19:20)

Madam Chairperson: Thank you, Mr. Rondeau. Does any other member wish to make an opening statement with regard to Bill 301?

Some Honourable Members: No.

Madam Chairperson: Clauses 1 to 5—pass; preamble—pass; enacting clause—pass; title—pass; Bill be reported.

I understand there is a motion for the refund of fees with regard to this bill.

Mr. Rondeau: I move

THAT this committee recommends that the fees paid with respect to Bill 301, The Assiniboine Memorial Curling Club Holding Company Ltd. Additional Powers Act, be refunded less the cost of printing of the bill.

Madam Chairperson: It has been moved by Mr. Rondeau that this committee recommends—

An Honourable Member: Dispense.

Madam Chairperson: The motion is in order. Questions.

Mr. Jack Penner (Emerson): I wonder, Madam Chairperson, whether we could be told as to what the fees are that would be refunded, how much the fees are.

Mr. Rondeau: I believe the fees are approximately \$200. It is either \$200 or \$250.

Mr. Jack Penner: The exact information is not available? [interjection] That is fine.

Madam Chairperson: Is it the pleasure of the committee to adopt the motion? [Agreed]

I would just like to clarify for the committee that the refund fees are \$250.

Bill 302—The Congregation Etz Chayim Amalgamation Act

Madam Chairperson: On Bill 302, The Congregation Etz Chayim Amalgamation Act, we will first hear a report on the bill from Legislative Counsel, Mr. Jake Harms.

Mr. Jake Harms (Deputy Law Officer of the House): To the Committee of the Assembly considering Bill 302, *The Congregation Etz Chayim Amalgamation Act*.

As required by Rule 21 of the Rules of the House, I now report that I have examined Bill 302, *The Congregation Etz Chayim Amalgamation Act*, and have not noted any exceptional powers sought or any other provision of the Bill requiring special consideration.

Madam Chairperson: We thank staff from Legislative Counsel for that report.

Does the member sponsoring the bill have an opening statement?

Mr. Doug Martindale (Burrows): No.

Madam Chairperson: We thank the member. Does any other member wish to make an opening statement with regard to Bill 302?

Some Honourable Members: No.

Madam Chairperson: Clauses 1 to 2(2)—pass; clauses 2(3) to 4(2)—pass; clauses 5 to 7(1)—pass; clauses 7(2) and 7(3)—pass; clauses 7(4) to 9—pass; preamble—pass; enacting clause—pass; title—pass. Bill be reported.

I understand there is a motion for the refund of fees with regard to this bill.

Mr. Martindale: Madam Chairperson, I move

THAT this committee recommends that the fees paid with respect to Bill 302, The Congregation Etz Chayim Amalgamation Act; Loi sur la fusion de la Congrégation Etz Chayim, be refunded less the cost of printing.

Madam Chairperson: It has been moved by Mr. Martindale that this committee recommends—

An Honourable Member: Dispense.

Madam Chairperson: Dispense.

The motion is in order. Is it the pleasure of the committee to pass the motion? [Agreed]

Bill 303—The Salvation Army William and Catherine Booth College Incorporation Amendment Act

Madam Chairperson: On Bill 303, *The Salvation Army William and Catherine Booth College Incorporation Amendment Act*, we will first hear a report on the bill from Legislative Counsel, Mr. Jake Harms.

Mr. Jake Harms (Deputy Law Officer of the House): To the Committee of the Assembly considering Bill 303, *The Salvation Army William and Catherine Booth College Incorporation Amendment Act*.

As required by Rule 121 of the Rules of the House, I now report that I have examined Bill 303, *The Salvation Army William and Catherine Booth College Incorporation Amendment Act*, and have not noted any exceptional powers sought or any other provision of the bill requiring special consideration.

Madam Chairperson: We thank staff from Legislative Counsel for that report.

Does the member sponsoring the bill have an opening statement?

Mr. Doug Martindale (Burrows): Very briefly, Madam Chairperson, I want to thank the college for asking me to sponsor their bill and thank again Dr. Jonathan Raymond for inviting me to be the guest speaker at convocation, which was an honour and I enjoyed meeting with him and

working with him on this bill, and also with Legislative Counsel from Taylor McCaffrey, Mr. Ray Taylor.

Madam Chairperson: We thank the member.

Does any other member wish to make an opening statement with regard to Bill 303? No?

Clauses 1 to 4—pass; clause 5—pass; preamble—pass; enacting clause—pass; title—pass. Bill be reported.

I understand there is a motion for the refund of fees with regard to this bill.

Mr. Martindale: Madam Chairperson, I move

THAT this committee recommends that the fees paid with respect to Bill 303, The Salvation Army William and Catherine Booth College Incorporation Amendment Act; Loi modifiant la Loi constituant en corporation le Collège William et Catherine Booth de l'Armée du Salut, be refunded, less the cost of printing.

Madam Chairperson: Moved by Mr. Martindale, that this committee recommends that the fees paid—

Some Honourable Members: Dispense.

Madam Chairperson: Dispense.

The motion is in order. Is it the pleasure of the committee to adopt the motion? *[Agreed]*

Bill 304—The Winnipeg Real Estate Board Incorporation Amendment Act

Madam Chairperson: On Bill 304, The Winnipeg Real Estate Board Incorporation Amendment Act, we will first hear a report on

the bill from Legislative Counsel, Mr. Jake Harms.

Mr. Jake Harms (Deputy Law Officer of the House): To the Committee of the Assembly considering Bill 304, *The Winnipeg Real Estate Board Incorporation Amendment Act*.

As required by Rule 121 of the Rules of the House, I now report that I have examined Bill 304, *The Winnipeg Real Estate Board Incorporation Amendment Act*, and have not noted any exceptional powers sought or any other provision of the bill requiring special consideration.

Madam Chairperson: Thank you, Mr. Harms, for that report.

Does the member sponsoring the bill have an opening statement?

Mr. Stan Struthers (Dauphin-Roblin): No.

* (19:30)

Madam Chairperson: Thank you.

Does any member wish to make an opening statement with regard to Bill 304?

Some Honourable Members: No.

Madam Chairperson: Clauses 1 to 5(4)—pass; clauses 5(5) to 11—pass; preamble—pass; enacting clause—pass; title—pass. Bill be reported.

That concludes the business before the committee this evening. The committee rise.

COMMITTEE ROSE AT: 7:31 p.m.