



PRAYERS

1:30 O’CLOCK P.M.

Mr. MARTINDALE, Chairperson of the Standing Committee on Law Amendments, presented its Eighth Report, which was read as follows:

Your Committee met on Tuesday, July 25, 2000 at 6:30 p.m., Wednesday, July 26, 2000 at 6:30 p.m. and Thursday, July 27, 2000 at 2:45 p.m. in Room 255 of the Legislative Building to consider Bills referred.

At the July 25, 2000 meeting, your Committee elected Mr. REID as Vice-Chairperson.

At the July 26, 2000 meeting, your Committee Elected Mr. MARTINDALE as Chairperson and Mr. SMITH (Brandon West) as Vice-Chairperson.

At the July 25, 2000 meeting, your Committee agreed, by motion, on a counted vote of Yeas 6, Nays 4, to the following motion:

THAT presentations be limited to 15 minutes with a maximum 5 minutes for questions.

At the meetings held on July 25 and 26, your Committee heard representation on Bills as follows:

Bill (No. 12) – The Public Schools Amendment Act/Loi modifiant la Loi sur les écoles publiques

Gerald Huebner	Manitoba Association of Christian Homeschools
Norbert and Debbie Maertins	Private Citizens
Bernd Rist	Private Citizen
Abe Janzen	Private Citizen
Dr. Terry Lewis	Private Citizen
Marion Hart	Private Citizen

Bill (No. 42) – The Public Schools Amendment and Consequential Amendments Act/Loi modifiant la Loi sur les écoles publiques et modifications corrélatives

Theresa Ducharme	People for Equal Participation Inc.
Rey Toews & Carolyn Duhamel	President, Manitoba Association of School Trustees
Len Schieman	Rhineland School Division #18

Monday, July 31, 2000

Fran Frederickson & Val Weiss	Chair, Interlake School Division
Bart Michaleski	President, Manitoba Association of School Business Officials
Jim Murray & Linda Ross	Chair, Brandon School Division #40
Floyd Martens	Chair, Intermountain School Division
Ron G. Plett	Chair, Hanover School Division
Dr. Dave McAndrew	Western School Division #47
Kurt Guenther	Private Citizen
Wayne Motheral	President, Association of Manitoba Municipalities
Mary Hudyma	Chair, Dauphin-Ochre School Division
Judy Eagle	Flin Flon School Division #46
John Pshebniski	Duck Mountain School Division #34
Gerald Thiessen	Garden Valley School Division
Peter Wohlgemut	Rhineland Teachers' Association
Ron Friesen	Garden Valley Teachers' Association
Bryan Harley	Private Citizen
Joanne Huberdeau	Birdtail River School Division #38
Val Thomson	Private Citizen
Claude Vigier	AEFM
Doug Halmarson	Private Citizen
David Rondeau	Private Citizen
Amy & Peter Buehler	Brandon Teachers' Association
Harvey Bridgeman	President, Mountain Teachers' Association
Craig Blagden	Midland Teachers' Association
Andrew Peters	Private Citizen
Garry Hornung	Private Citizen
Ward Kay	Private Citizen
Lori Johnson	Chair, Winnipeg School Board
Peter Kotyk for Rod Giesbrecht	Private Citizen
Bob Fraser	Chair, River East School Division
Doug Edmond	President, Manitoba Association of School Superintendents
Roy Schellenberg	St. Boniface School Division
Sandra Paterson-Greene for Scott Johnson	St. James-Assiniboia School Division
Ruth Ann Furgala & Vivian Leduchowski	Chair, Evergreen School Division
Betty Green & Kelly Decker	Lakeshore School Division #23
Neil Whitley	Rolling River School Division
Pam Stinson	Private Citizen
Jan Speelman	President, Manitoba Teachers' Society
Ric Dela Cruz	Seven Oaks School Division
Wendy Moroz & Howard Holtman	Chairperson, Assiniboine South School Division
Paul Moist	Manitoba Federation of Labour
Graham Starmer & Dave Angus	Manitoba and Winnipeg Chambers of Commerce
Susan Popeski	Seven Oaks Teachers' Association

Dan Kelly	Canadian Federation of Independent Business
Marijka Spytkowski	Transcona-Springfield Teacher's Association
Chris Pammeter	Private Citizen
Victor Vrsnik	Canadian Taxpayers Federation
Barry Wittevrongel	Private Citizen
Rachel Ouimet for Linda Brezina	St. Vital Teachers' Association
Albert Cerilli	Private Citizen
Bob Land	Private Citizen
Wendy Land	Private Citizen
Henry Pauls	Winnipeg Teachers' Association
Roland Stankevicius	River East Teachers' Association
Darrell Rankin	Communist Party of Canada
Diane Zuk	Assiniboine South Teachers' Association
Rudy Peters	Private Citizen
Ed Hume	Private Citizen

Bill (No. 45) – The Teachers' Pensions Amendment Act/Loi modifiant la Loi sur la pension de retraite des enseignants

Jan Speelman and Henry Shyka Manitoba Teachers' Society

Written Submissions:

Bill (No. 42) – The Public Schools Amendment and Consequential Amendments Act/Loi modifiant la Loi sur les écoles publiques et modifications corrélatives

Marvin R. Anderson	Prairie Spirit School Division No. 50
Susan Boyachek	Rural Municipality of Ethelbert
James Bedford	President-Elect, St. Boniface Teachers Association

Your Committee has considered:

Bill (No. 45) – The Teachers' Pensions Amendment Act/Loi modifiant la Loi sur la pension de retraite des enseignants

and has agreed to report the same with the following amendment:

MOTION:

THAT the proposed subsection 63.1(2), as set out in section 2 of the Bill, be amended by striking out everything before clause (b) and substituting the following:

Purchase of service for past maternity leave

63.1(2) A teacher who was granted a period of maternity leave referred to in subsection (1) and did not elect to make contributions under that subsection for that period may, if she has neither received a refund of her contributions nor begun to receive a pension, purchase the service for the period by

(a) filing with the board

(i) before July 3, 2002, if the period of leave was granted before subsection (1) came into force, and

(ii) within 18 months after the end of the period of leave, in any other case,

an application in a form prescribed by the board; and

Your Committee has also considered:

Bill (No. 12) – The Public Schools Amendment Act/Loi modifiant la Loi sur les écoles publiques and has agreed to report the same, without amendment, on division.

Your Committee has also considered:

Bill (No. 42) – The Public Schools Amendment and Consequential Amendments Act/Loi modifiant la Loi sur les écoles publiques et modifications corrélatives

and has agreed, on a counted vote of yeas 6, nays 4 to report the same, with the following amendments:

MOTION:

THAT the proposed subsection 97(1), as set out in section 4 of the Bill, be amended by striking out the definition of "dispute" and substituting the following:

"dispute" means any dispute or difference, or apprehended dispute or difference, between a school board and one or more of the teachers it employs or a bargaining agent acting on behalf of those teachers as to

(a) matters or things affecting or relating to terms or conditions of employment or work done or to be done by the employer or by the teacher or teachers, or

(b) privileges, rights and duties of the school board or the teacher or teachers that are not specifically set out in this Act or *The Education Administration Act* or in the regulations made under either of those Acts.

However, it does not include a controversy or difference arising out of the termination or threatened termination of a teacher's contract. (« différend »)

MOTION:

THAT the definition "teacher" in the proposed subsection 97(1), as set out in section 4 of the Bill, be amended by adding "under a written contract in Form 2 of Schedule D or in any other form approved by the minister under section 92 and" after "employed by a school board".

MOTION:

THAT the proposed subsection 102(2), as set out in section 4 of the Bill, be struck out and the following substituted:

When Labour Relations Act applies

102(2) Part VII of *The Labour Relations Act* applies, with necessary changes, to an arbitration carried out under a final settlement provision referred to in subsection (1), except to the extent of any inconsistency with the final settlement provision.

MOTION:

THAT item 6 in the proposed section 103, as set out in section 4 of the Bill, be amended by striking out "that were in the statement of matters in dispute before hearings begin" and substituting "during the course of the hearing".

MOTION:

THAT the proposed section 107, as set out in section 4 of the Bill, be amended by striking out "for the purpose of section 108".

MOTION:

THAT subsection 6(3) of the Bill be amended by adding the following at the end of the subsection:

*For that purpose, any notice to begin collective bargaining given under the former Act respecting the renewal, revision or replacement of such an agreement is deemed to have been given under section 60 or 61 of **The Labour Relations Act**.*

MOTION:

THAT the following be added after subsection 6(3) of the Bill :

*6(3.1) Notwithstanding subsection (3), arbitration proceedings may not be initiated under Part VIII of **The Public Schools Act** (as enacted by this Act) until 90 days after this Act comes into force, during which time the parties must bargain collectively in good faith with one another and make every reasonable effort to conclude a collective agreement.*

MOTION:

THAT subsection 7(2) of the Bill be amended by adding ", school superintendents" before "and parents".

MOTION:

THAT subsection 7(3) of the Bill be amended by adding "school superintendents," before "parents".

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

Ms. KORZENIOWSKI, Chairperson of the Standing Committee on Public Utilities and Natural Resources, presented its Sixth Report, which was read as follows:

Your Committee met on Wednesday, July 26, 2000 at 10:00 a.m. and Wednesday, July 26, 2000 at 6:30 p.m. in Room 254 of the Legislative Building to consider Bills referred.

At the Wednesday, July 26, 2000 at 10:00 a.m. meeting, your Committee elected Ms. KORZENIOWSKI as the Chairperson.

At that meeting, Ms. CERILLI moved that presentations be 15 minutes with 5 minutes for questions. The motion was agreed to.

At that meeting, your Committee heard representation on Bills as follows:

(No. 14) – The Provincial Railways Amendment Act/Loi modifiant la Loi sur les chemins de fer provinciaux

Roger Cameron	Railway Association of Canada
Gord Peters	Central Manitoba Railway
Steven Van Wagenen	Southern Manitoba Railway
Don Fyk	Western Rail Coalition

(No. 16) – The City of Winnipeg Amendment Act (2)/Loi n° 2 modifiant la Loi sur la Ville de Winnipeg

Councillor Jae Eadie	City of Winnipeg
Wayne Motheral and Jerome Mauws	Association of Manitoba Municipalities

(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

Brad Fry	Mind Computer Products
----------	------------------------

At the Wednesday, July 26, 2000 at 6:30 p.m. meeting, Ms. CERILLI moved that leave be granted to accept all amendments passed by this committee tonight that were read only by the chairperson be accepted as if read by the minister or member. The motion was agreed to.

Your Committee has considered:

(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

and has agreed to report the same with the following amendment:

MOTION:

THAT section 6 be amended

(a) in clause (a) of the French version, by striking out everything after "à titre de" and substituting "sous-bassins hydrographiques;"

(b) by renumbering it as subsection 6(1); and

(c) by adding the following as subsection 6(2):

Public consultation re designation of sub-water basins

6(2) Except in circumstances that the minister considers to be of an emergency nature, in the formulation or substantive review of a regulation designating parts of the Manitoba portion of the Hudson Bay drainage basin as sub-water basins, the minister shall provide an opportunity for public consultation regarding the proposed regulation or amendment.

Your Committee has also considered:

(No. 7) – The Protection for Persons in Care Act/Loi sur la protection des personnes recevant des soins

and has agreed to report the same, without amendment.

Your Committee has also considered:

(No. 14) – The Provincial Railways Amendment Act/Loi modifiant la Loi sur les chemins de fer provinciaux

and has agreed to report the same, with the following amendments:

MOTION:

THAT the proposed subsection 33(3), as set out in section 4 of the Bill, be amended in the part before clause (a) by striking out "may" and substituting "shall".

MOTION:

THAT the proposed subsection 34.2(4), as set out in section 4 of the Bill, be amended

(a) in the section heading, by striking out "180-day" and substituting "60-day"; and

(b) in the subsection, by striking out "180 days" and substituting "60 days".

MOTION:

THAT section 4 of the Bill be amended by striking out the proposed subsection 34.2(5).

MOTION:

THAT the proposed clause 34.2(7)(d), as set out in section 4 of the Bill, be amended by striking out "60" and substituting "30".

MOTION:

THAT the proposed subsection 34.2(10), as set out in section 4 of the Bill, be amended

(a) in the English version, by striking out the section heading and substituting "Period for reaching agreement"; and

(b) in the subsection, by striking out "six months" and substituting "90 days".

MOTION:

THAT section 4 of the Bill be amended by adding the following after the proposed subsection 34.2(10):

Board may extend period for reaching agreement

34.2(10.1) The board may, on application by the licence holder or the interested person with whom the licence holder is negotiating, extend the period for reaching agreement

- (a) by any period that the licence holder and interested person agree on; or
- (b) by up to 90 days, if the licence holder and the interested person cannot agree on the length of the extension but the board is satisfied that they are involved in on-going negotiations in good faith that may result in an agreement.

MOTION:

THAT the proposed subsection 34.2(11), as set out in section 4 of the Bill, be amended by striking out "six-month period" and substituting "period for reaching agreement".

MOTION:

THAT the proposed clauses 34.3(1)(b) and (c), as set out in section 4 of the Bill, be amended by striking out "six-month period" and substituting "period for reaching agreement".

MOTION:

THAT section 4 of the Bill be amended by adding the following after the proposed subsection 34.3(4):

Deposit

34.3(4.1) When the Government of Manitoba or a municipality accepts the offer, it shall provide a deposit to the board of 5% of the net salvage value set out in the offer or \$25,000., whichever is less.

Deposit to be held by the board

34.3(4.2) The deposit shall be held by the board for the parties under the deposit conditions set out in the regulations.

Acceptance not binding without deposit

34.3(4.3) If the government or municipality fails to provide the deposit to the board, the acceptance is not binding on the licence holder.

MOTION:

THAT the proposed subsection 34.3(5), as set out in section 4 of the Bill, be amended by striking out "communicates its written acceptance of the offer to the licence holder," and substituting "accepts the offer in writing and provides the required deposit,".

MOTION:

THAT section 4 of the Bill be amended by adding the following after the proposed subsection 34.3(10):

Canadian Transportation Agency as arbitrator

34.3(10.1) The board shall refer an arbitration under subsection (10) to the Canadian Transportation Agency if

- (a) either of the parties requests that the reference be made to that agency; and
- (b) that agency is prepared to accept the reference.

MOTION:

THAT the proposed subsection 34.3(11), as set out in section 4 of the Bill, be amended

- (a) in clause (b), by striking out "40(4)" and substituting "40(5)"; and

(b) in clause (c), by striking out "40(5)" and substituting "40(6)".

MOTION:

THAT section 5 of the Bill be amended by adding the following after the proposed clause 48(1)(j.1):

(j.2) respecting deposits and deposit conditions under subsections 34.3(4.1) to (4.3);

MOTION:

THAT the proposed subsection 34.3(6), as set out in section 4 of the Bill, be amended by striking out "90" and substituting "30".

Your Committee has also considered:

(No. 16) – The City of Winnipeg Amendment Act (2)/Loi n° 2 modifiant la Loi sur la Ville de Winnipeg

and has agreed to report the same with the following amendments:

MOTION:

THAT the proposed section 437.1, as set out in clause 2(a) of the Bill, be amended by adding the following definition in alphabetical order:

"The Public Health Act" means The Public Health Act and includes regulations made under that Act. (« Loi sur la santé publique »)

MOTION:

THAT the proposed subsection 440(1), as set out in section 3 of the Bill, be amended by striking out clauses (a) and (b) and substituting the following:

(a) personally, or by mail in a manner that provides the city with an acknowledgment of receipt; or

(b) if the person cannot be served by one of the methods described in clause (a) after a reasonable effort has been made, by sending a copy of it to the person's address, as determined in a manner provided by by-law, by facsimile transmission or any other type of mail or communication that provides confirmation of delivery.

MOTION:

THAT the proposed subsection 467(1.2), as set out in section 4 of the Bill, be amended by striking out clauses (a) and (b) and substituting the following:

(a) personally, or by mail in a manner that provides the city with an acknowledgment of receipt; or

(b) if the person cannot be served by one of the methods described in clause (a) after a reasonable effort has been made, by sending a copy of it to the person's address, as determined in a manner provided by by-law, by facsimile transmission or any other type of mail or communication that provides confirmation of delivery.

MOTION:

THAT section 4 of the Bill be renumbered as subsection 4(1), and the following be added as subsection 4(2):

4(2) *The following is added after subsection 467(1.2):*

Deemed date of service

467(1.2.1) An order sent in accordance with clause 1.2(b) is deemed to have been properly served on the day it is confirmed to have been delivered.

MOTION:

THAT the proposed subsection 477(2.1), as set out in subsection 5(2) of the Bill, be amended by striking out clauses (a) and (b) and substituting the following:

(a) personally, or by mail in a manner that provides the city with an acknowledgment of receipt; or

(b) if the person cannot be served by one of the methods described in clause (a) after a reasonable effort has been made, by sending a copy of it to the person's address, as determined in a manner provided by by-law, by facsimile transmission or any other type of mail or communication that provides confirmation of delivery.

MOTION:

THAT the proposed subsection 490(2), as set out in section 12 of the Bill, be amended by striking out clauses (a) and (b) and substituting the following:

(a) personally, or by mail in a manner that provides the city with an acknowledgment of receipt; and

(b) if the person cannot be served by one of the methods described in clause (a) after a reasonable effort has been made, by sending a copy of it to the person's address, as determined in a manner provided by by-law, by facsimile transmission or any other type of mail or communication that provides confirmation of delivery.

Your Committee has also considered:

(No. 21) – The Water Resources Administration Amendment Act/Loi modifiant la Loi sur l'aménagement hydraulique

(No. 29) – The Health Sciences Centre Repeal and Consequential Amendments Act/Loi abrogeant la Loi sur le Centre des sciences de la santé et modifications corrélatives

and has agreed to report the same, without amendment.

Your Committee has also considered:

(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

and has agreed to report the same, with the following amendment:

MOTION:

THAT the following be added after the proposed subclause 18(1)(d)(ii):

(iii) prescribing classes of documents for the purpose of clause 13(1)(a);

Your Committee has also considered:

(No. 37) – The Miscellaneous Health Statutes Repeal Act/Loi abrogeant diverses lois en matière de santé

and has agreed to report the same, without amendment.

On motion of Ms. KORZENIOWSKI, the Report of the Committee was received.

Hon. Mr. SELINGER presented:

Report pursuant to subsection 63(4) of The Financial Administration Act for the fiscal year ending March 31, 2000.

(Sessional Paper No. 201)

Pursuant to Rule 23(1), Messrs. MARTINDALE and MAGUIRE, Ms. ASPER, Mrs. SMITH (Fort Garry) and Ms. CERILLI made Members' Statements.

By leave, following Members' Statements, Mr. Speaker made the following ruling:

During Oral Questions on July 24, 2000, I took under advisement a point of order raised by the Honourable Official Opposition House Leader concerning the words "that is a stupid question" that the Honourable Official Opposition House Leader attributed to the Honourable Minister of Health. The Honourable Minister of Health also spoke to the same point of order. As I did not hear the comments in question, I took the matter under advisement in order to peruse Hansard.

On page 4332 of Hansard, the words "That is a stupid question" do appear, however the words are not attributed to a specific Honourable Member. In addition, the words did not contain any imputation of motive nor was any unparliamentary language used. I therefore rule that there is no point of order.

Prior to Orders of the Day, Mrs. MITCHELSON rose on a point of order regarding comments allegedly spoken by the Honourable Minister of Family Services and Housing.

And Hon. Mr. SALE having spoken to the point of order,

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

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

THAT Bill (No. 48) – The Rural Development Bonds Amendment Act/Loi modifiant la Loi sur les obligations de développement rural, be now read a Second Time and be referred to a Committee of this House.

And the debate continuing,

And Mr. LOEWEN 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.

By unanimous consent, it was agreed to have the House resolve itself into two sections of the Committee of Supply.

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.

Monday, July 31, 2000

By leave, on motion of Mr. DEWAR:

ORDERED that the composition of the Standing Committee on Public Utilities and Natural Resources be amended as follows:

Mr. AGLUGUB for Mr. STRUTHERS.

The House then adjourned at 6:28 p.m. until 1:30 p.m. Tuesday, August 1, 2000.

Hon. George HICKES,
Speaker.