

TO THE HONOURABLE THE LEGISLATIVE ASSEMBLY OF MANITOBA:

Your Standing Committee on LAW AMENDMENTS presents the following as its Eleventh Report.

Meetings:

Your Committee met on Wednesday, August 7, 2002 at 6:30 p.m. in Room 255 of the Legislative Building.

Matters Under Consideration:

- **Bill (No. 2)** – The Security Management (Various Acts Amended) Act/Loi sur la gestion de la sécurité (modification de diverses dispositions législatives)
- **Bill (No. 21)** – The Partnership Amendment and Business Names Registration Amendment Act/Loi modifiant la Loi sur les sociétés en nom collectif et la Loi sur l'enregistrement des noms commerciaux
- **Bill (No. 23)** – The Pesticides and Fertilizers Control Amendment Act/Loi modifiant la Loi sur les produits antiparasitaires et les engrais chimiques
- **Bill (No. 24)** – The Securities Amendment Act/Loi modifiant la Loi sur les valeurs mobilières
- **Bill (No. 38)** – The Public Health Amendment Act/Loi modifiant la Loi sur la santé publique
- **Bill (No. 42)** – The Off-Road Vehicles Amendment Act/Loi modifiant la Loi sur les véhicules à caractère non routier
- **Bill (No. 53)** – The Common-Law Partners' Property and Related Amendments Act/Loi sur les biens des conjoints de fait et modifications connexes

Membership Resignations / Elections:

Your Committee elected Ms. CERILLI as Vice-Chairperson.

Substitutions received prior to commencement of meeting held on August 7, 2002:

- Mr. PENNER (Emerson) for Mr. LAURENDEAU
- Mrs. DRIEDGER for Mr. REIMER
- Hon. Ms. WOWCHUK for Mr. DEWAR
- Hon. Mr. CHOMIAK for Hon. Mr. LATHLIN
- Ms. CERILLI for Mr. SANTOS

Public Presentations:

Your Committee heard two presentations on Bill (No. 2) – The Security Management (Various Acts Amended) from the following organizations:

Jeff Kisiloski on behalf of Jay Holdnick	Canadian Association of Agri Retailers
John Lindsey	Manitoba Chapter of The Canadian Emergency Preparedness Association

Your Committee heard 1 presentation on Bill (No. 21) – The Partnership Amendment and Business Names Registration Amendment Act/Loi modifiant la Loi sur les sociétés en nom collectif et la Loi sur l'enregistrement des noms commerciaux from the following organization:

Jamie Kraemer, Peter Dueck, Blair Graham	Institute of Chartered Accountants of Manitoba
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Your Committee heard three presentations on Bill (No. 23) – The Pesticides and Fertilizers Control Amendment Act/Loi modifiant la Loi sur les produits antiparasitaires et les engrais chimiques from the following individuals and/or organizations:

Herm Martens
Weldon Newton
Marcel Hacault

Private Citizen
Keystone Agricultural Producers
Manitoba Pork Council

Your Committee heard four presentations on Bill (No. 24) – The Securities Amendment Act/Loi modifiant la Loi sur les valeurs mobilières from the following organizations:

Murray Smith
Gloria Desorcy
Greg Bieber
John Stefaniuk

Manitoba Council of Aging
Manitoba Branch of the Consumers Association of Canada
Bieber Security
Canadian Bankers Association

Your Committee heard one presentation on Bill (No. 42) – The Off-Road Vehicles Amendment Act/Loi modifiant la Loi sur les véhicules à caractère non routier from the following organization:

Dawn Bratton

SNOMAN

Your Committee heard 10 presentations on Bill (No. 53) – The Common-Law Partners' Property and Related Amendments Act/Loi sur les biens des conjoints de fait et modifications connexes from the following individuals and/or organizations:

Gilles Marchildon
Stephen Copen
Tim Preston
Donna Huen
Janet Scarth, Elliot Leven and Dianna
Scarth
Helen Hesse
Mike Law

EGALE
Private Citizen
G.O.S.S.I.P
Rainbow Resource Centre
Manitoba Human Rights Commission

Debra Parkes
Sharon Pchajek and Maureen Pendergast
Karen Busby

Private Citizen
Gay and Lesbian Issues Section of the Manitoba Bar
Association
Private Citizen
Private Citizens
Private Citizen

Written Submissions:

Your Committee received one written submission on Bill (No. 24) – The Securities Amendment Act/Loi modifiant la Loi sur les valeurs mobilières from the following organization:

Richmond Bayes

Securities Law Section of the Manitoba Bar Association

Written Submissions:

Your Committee received one written submission on Bill (No. 38) – The Public Health Amendment Act/Loi modifiant la Loi sur la santé publique from the following organization:

Shelly Wiseman

Canadian Federation of Independent Business

Written Submissions:

Your Committee received two written submissions on Bill (No. 53) – The Common-Law Partners' Property and Related Amendments Act/Loi sur les biens des conjoints de fait et modifications connexes from the following individuals and/or organizations:

Sara Kinnear
Evelyn Braun

Private Citizen
LEAF Manitoba Inc.

Bills Considered and Reported:

Bill (No. 2) – The Security Management (Various Acts Amended) Act/Loi sur la gestion de la sécurité (modification de diverses dispositions législatives)

Your Committee agreed to report this Bill with the following amendments:

*THAT the proposed subsection 8(2) of **The Emergency Measures Act**, as set out in subsection 10(2) of the Bill, be amended by striking out “When a program or plan is submitted under clause (1)(d) or subsection (3) to the co-ordinator for approval,” and substituting “After a program or plan has been submitted under this section to the co-ordinator.”*

THAT subsection 10(2) of the Bill be amended by adding the following after the proposed subsection 8(8):

Transitional

8(9) A program or plan that was submitted to the co-ordinator before this subsection came into force is not required to be resubmitted under clause (1)(d). But the co-ordinator may approve it or refer it back to the local authority under subsection (2).

*THAT the proposed subsection 3.1(4) of **The Pesticides and Fertilizers Control Act**, as set out in section 25 of the Bill, be replaced with the following:*

No provision of spraying equipment

3.1(4) No person shall, directly or indirectly, provide aerial or ground-based spraying equipment to another person if he or she has reason to believe the other person will use it for the unlawful application of a substance

*THAT the proposed subsection 3.3 of **The Pesticides and Fertilizers Control Act**, as set out in section 25 of the Bill, be amended by adding “, or the person designated by him or her,” after “minister.”*

*THAT the proposed clause 8(c.1) of **The Pesticides and Fertilizers Control Act**, as set out in section 28 of the Bill, be replaced with the following:*

(c.1) prescribing equipment or classes of equipment for the purpose of the definition “aerial spraying equipment” in section 1;

(c.1.1) prescribing equipment or classes of equipment, other than equipment used primarily in farming, for the purpose of the definition “ground-based spraying equipment” in section 1;

*THAT section 43 of the Bill be amended by adding the following after the proposed subsection 11.1(1) of **The Public Health Act**:*

Presentation of identification

11.1(1.1) In exercising a power under this section, a medical officer of health must, upon request, present his or her certificate or other means of identification prescribed in the regulations.

*THAT the proposed subsection 11.1(9) of the English version of **The Public Health Act** as set out in section 43 of the Bill be amended by adding “reasonably” before “considers”.*

THAT section 61 of the Bill be amended by striking out “February 1, 2002” and substituting “November 1, 2003.”

THAT section 62 of the Bill be replaced with the following:

Coming into force

62 This Act comes into force on the day it receives royal assent.

Bill (No. 21) – The Partnership Amendment and Business Names Registration Amendment Act/Loi modifiant la Loi sur les sociétés en nom collectif et la Loi sur l'enregistrement des noms commerciaux

Your Committee agreed to report this Bill with the following amendments:

THAT the proposed clause 75(2)(b), as set out in section 5 of the Bill, be amended by adding “directly” after “partner was”.

THAT the proposed clause 84(4)(b), as set out in section 5 of the Bill, be amended by adding “directly” after “partner was”.

Bill (No. 23) – The Pesticides and Fertilizers Control Amendment Act/Loi modifiant la Loi sur les produits antiparasitaires et les engrais chimiques

Your Committee agreed to report this Bill without amendment.

Bill (No. 24) – The Securities Amendment Act/Loi modifiant la Loi sur les valeurs mobilières

Your Committee agreed to report this Bill, without amendment.

Bill (No. 38) – The Public Health Amendment Act/Loi modifiant la Loi sur la santé publique

Your Committee agreed to report this Bill without amendment, on division.

Bill (No. 42) – The Off-Road Vehicles Amendment Act/Loi modifiant la Loi sur les véhicules à caractère non routier

Your Committee agreed to report this Bill without amendment, on division.

Bill (No. 53) – The Common-Law Partners' Property and Related Amendments Act/Loi sur les biens des conjoints de fait et modifications connexes

Your Committee agreed to report this Bill with the following amendments, on division:

THAT the following be added after subsection 16(8) of the Bill:

16.(8.1) Section 3 is amended by adding “or 2.1” after “section 2” wherever it occurs.

THAT the proposed section 25.1, as set out in subsection 16(30) of the Bill, be amended by adding “described in subsection 2.1(1)” after “in respect of common-law partners”.

THAT subsection 25(7) of the Bill be replaced with the following:

25(7) Section 17 is amended

(a) by adding the following after clause (a):

(a.1) there is a declaration in the will that it is made in contemplation of the testator’s common-law relationship with the person the testator subsequently marries; or

(b) by adding “or” at the end of clause (b) and by adding the following after clause (b):

(c) the will fulfills obligations of the testator to a former spouse or common-law partner under a separation agreement or court order.

Submitted by:

Mr. Doug MARTINDALE, Chairperson
August 7, 2002