

## TO THE HONOURABLE THE LEGISLATIVE ASSEMBLY OF MANITOBA

Your Standing Committee on SOCIAL AND ECONOMIC DEVELOPMENT presents the following as its Third Report.

### Meetings

Your Committee met on Monday, October 29, 2007 at 6:30 p.m. in Room 255 of the Legislative Building.

### Matters under Consideration

- **Bill (No. 7)** – The Insurance Amendment Act/Loi modifiant la Loi sur les assurances
- **Bill (No. 9)** – The Securities Amendment Act/Loi modifiant la Loi sur les valeurs mobilières
- **Bill (No. 11)** – The Children's Advocate's Enhanced Mandate Act (Various Acts Amended)/Loi sur l'élargissement du mandat du protecteur des enfants (modification de diverses dispositions législatives)
- **Bill (No. 15)** – The Biofuels Amendment Act/Loi modifiant la Loi sur les biocarburants
- **Bill (No. 17)** – The Firefighters, Peace Officers and Workers Memorial Foundations Act/Loi sur les fondations à la mémoire des pompiers, des agents de la paix et des travailleurs

### Committee Membership

Committee Membership for the meeting:

- Ms. BLADY
- Ms. BRAUN (*Chairperson*)
- Ms. KORZENIOWSKI
- Hon. Mr. LEMIEUX
- Hon. Mr. MACKINTOSH
- Hon. Mr. RONDEAU
- Hon. Mr. SELINGER
- Mr. BRIESE
- Mr. FAURSCHOU
- Mr. MAGUIRE
- Mr. SCHULER

Your Committee elected Ms. KORZENIOWSKI as the Vice-Chairperson.

### Public Presentations

Your Committee heard one presentation on **Bill (No. 11)** – The Children's Advocate's Enhanced Mandate Act (Various Acts Amended)/Loi sur l'élargissement du mandat du protecteur des enfants (modification de diverses dispositions législatives), from:

Dr. Peter Markesteyn

Private Citizen

Your Committee heard six presentations on **Bill (No. 15)** – The Biofuels Amendment Act/Loi modifiant la Loi sur les biocarburants, from:

Glen Koroluk

Private Citizen

Ken Thomas

Chairman, Manitoba Provincial Bio-Diesel Board

John Skowronski

The Canadian Petroleum Institute

Roy Eyjolfson

Bifrost Bio-Blends Ltd.

David Levin

Private Citizen

Brian Chorney

Canadian Canola Growers

Your Committee heard two presentations on **Bill (No. 17)** – The Firefighters, Peace Officers and Workers Memorial Foundations Act/Loi sur les fondations à la mémoire des pompiers, des agents de la paix et des travailleurs, from:

Alex Forrest

President, United Firefighters of Winnipeg

Eric Glass

Chairman, Paramedic Association of Manitoba

## **Bills Considered and Reported**

### **Bill (No. 7) – The Insurance Amendment Act/Loi modifiant la Loi sur les assurances**

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

*THAT Clause 2(b) of the Bill be amended*

*(a) by replacing the part before the proposed definitions with the following:*

*(b) by replacing the definitions "accident insurance", "automobile insurance", "court", "credit insurance", "endowment insurance", "fire insurance", "guarantee insurance", "hail insurance", "life insurance", "livestock insurance", "marine insurance", "public liability insurance", "sickness insurance" and "weather insurance" with the following:*

*(b) by striking out the proposed definitions "accidental death insurance", "disability insurance", and "mutual insurance".*

*THAT Clause 20(a) of the Bill be replaced with the following:*

*(a) by replacing the definitions "beneficiary" and "declaration" with the following:*

**"beneficiary"** means a person — other than the insured or the insured's personal representative — who is designated or appointed in a contract or by a declaration, and to whom or for whose benefit insurance money payable under the contract is to be paid; (« bénéficiaire »)

**"declaration"** means an instrument, signed by the insured,

(a) with respect to which an endorsement is made on the policy,

(b) that identifies the contract, or

(c) that describes the insurance, the insurance fund or a part of either of them,

in which the insured designates his or her personal representative or a beneficiary as a person to whom or for whose benefit the insurance money payable under the contract is to be paid, or in which the insured changes or revokes a previous designation; (« déclaration »)

*THAT Clause 40 of the Bill be replaced with the following*

*Coming into force — royal assent*

*40(1) Subject to subsection (2), this Act comes into force on the day it receives royal assent.*

*Coming into force — proclamation*

*40(2) Sections 2, 18, 20, 22, 25 and 30 and subsections 32(2) and 36(2) to (5) come into force on a day to be fixed by proclamation.*

### **Bill (No. 9) – The Securities Amendment Act/Loi modifiant la Loi sur les valeurs mobilières**

Your Committee agreed to report this Bill, without amendment.

### **Bill (No. 11) – The Children's Advocate's Enhanced Mandate Act (Various Acts Amended)/Loi sur l'élargissement du mandat du protecteur des enfants (modification de diverses dispositions législatives)**

Your Committee agreed to report this Bill with the following amendment.

*THAT Clause 1(2) of the Bill be amended*

*(a) by replacing the proposed clause 8.2.3(1)(a) with the following:*

*(a) must review the standards and quality of care and services provided under this Act to the child or the child's parent or guardian and any circumstances surrounding the death that relate to the standards or quality of the care and services;*

*(b) in the proposed subsection 8.2.3(2), by striking out "not to determine the cause of the child's death, but".*

**Bill (No. 15) – The Biofuels Amendment Act/Loi modifiant la Loi sur les biocarburants**

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

*THAT Clause 2(1) of the Bill be amended by replacing the proposed definition "biodiesel" with the following:*

**"biodiesel"** means

(a) an ester-based oxygenated fuel that is derived from vegetable oils, animal fats or other biomass material; or

(b) a prescribed renewable fuel that may be used to power a diesel engine or for heating. (« biodiesel »)

*THAT Clause 5(8) of the Bill be amended by replacing the proposed subsections 6.4(2) and (3) with the following:*

**Credits to Ethanol Fund**

**6.4(2)** The following amounts are to be paid or credited to the Ethanol Fund:

(a) for each of the first eight 12-month periods to which the denatured ethanol sales mandate applies, the amount determined by the following formula is to be paid or credited to the Ethanol Fund from the taxes collected under *The Gasoline Tax Act* for that period:

Credit = R × L

In this formula,

R is the applicable rate, determined as follows:

- (i) for the first two 12-month periods, \$0.20 per litre,
- (ii) for the next three 12-month periods, \$0.15 per litre,
- (iii) for the last three 12-month periods, \$0.10 per litre;

L is the least of

(i) the number of litres of denatured ethanol that were manufactured in Manitoba during the period,

(ii) the number of litres of denatured ethanol included in gasohol that was sold during the period and on which tax under *The Gasoline Tax Act* was collected and not refunded, and

(iii) the number of litres of gasoline and gasoline-based fuels that were sold by fuel suppliers during the period and on which tax under clause 2(1)(d) of *The Gasoline Tax Act* was collected and not refunded, multiplied by the prescribed percentage that applies in determining the denatured ethanol sales mandate for that period, or, if another percentage is prescribed, by that other percentage;

(b) any portion of a grant repaid to or recovered by the minister;

(c) interest earned on amounts credited to the Ethanol Fund.

**Additional credit — before mandate begins**

**6.4(3)** For December, 2007, and for each month after that until the denatured ethanol sales mandate begins to apply, there is to be paid or credited to the Ethanol Fund, from the taxes collected under *The Gasoline Tax Act* for that month, the amount determined by the Minister of Finance to be the equivalent of \$0.025 per litre of gasohol to which the rate reduction under subsection 2(2) of that Act applied in the same month one year earlier.

*THAT Clause 5(17) of the Bill be amended*

*(a) in Clause 5(17)(a), in the proposed clause 19(1)(a.1), by striking out "and" at the end of subclause (ii), adding "and" at the end of subclause (iii) and adding the following after subclause (iii):*

*(iv) a renewable fuel, for the purposes of the definition "biodiesel" in section 1;*

*(b) in Clause 5(17)(b), by replacing the proposed clause 19(1)(b.6) with the following:*

*(b.6) prescribing a percentage for the purpose of subclause (iii) of "L" in the formula in subsection 6.4(2);*

- **Bill (No. 17)** – The Firefighters, Peace Officers and Workers Memorial Foundations Act/Loi sur les fondations à la mémoire des pompiers, des agents de la paix et des travailleurs

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

*THAT the following be added after Clause 14 of the Bill:*

**Memorial foundations established by regulation**

**14.1(1)** The Lieutenant Governor in Council may, by regulation, establish one or more memorial foundations to promote the memory of paramedics and other specified groups of workers who have died in the workplace.

**Corporate status**

**14.1(2)** A memorial foundation established by regulation is a corporation without share capital and shall be carried on without pecuniary gain to its members.

**Contents of regulation**

**14.1(3)** A regulation establishing a memorial foundation must

(a) set out the purposes of the foundation;

(b) specify which provisions of this Act apply to the foundation and modify any of those provisions to deal with the particular circumstances of the foundation; and

(c) contain any other provisions required for the foundation to achieve its purposes.

Submitted by,

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Ms. BRAUN, Chairperson  
October 29, 2007