

Fourth Session - Thirty-Ninth Legislature
of the
Legislative Assembly of Manitoba
Standing Committee
on
Private Bills

Chairperson
Mr. Rob Altemeyer
Constituency of Wolseley

Vol. LXII No. 1 - 11:30 a.m., Monday, June 7, 2010

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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Ninth Legislature

Member	Constituency	Political Affiliation
ALLAN, Nancy, Hon.	St. Vital	N.D.P.
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HAWRANIK, Gerald	Lac du Bonnet	P.C.
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MITCHELSON, Bonnie	River East	P.C.
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**LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON PRIVATE BILLS**

Monday, June 7, 2010

TIME – 11:30 a.m.

LOCATION – Winnipeg, Manitoba

CHAIRPERSON – Mr. Rob Altemeyer (Wolseley)

VICE-CHAIRPERSON – Mr. Bidhu Jha (Radisson)

ATTENDANCE – 11 QUORUM – 6

Members of the Committee present:

Hon. Mr. Bjornson

Mr. Altemeyer, Mses. Braun, Brick, Messrs. Eichler, Faurschou, Jha, Maguire, Martindale, Nevakshonoff, Pedersen

APPEARING:

Ms. Val Perry, Legislative Counsel

WITNESSES:

Bill 301–The Salvation Army William and Catherine Booth College Incorporation Amendment Act

Mr. Reeh Taylor, Counsel for Salvation Army William and Catherine Booth College

Bill 302–The Southwood Golf and Country Club Incorporation Amendment Act

Mr. Tom Dooley, Southwood Golf and Country Club

WRITTEN SUBMISSIONS:

Bill 300–An Act to amend An Act to incorporate The Portage District General Hospital Foundation

Mr. Murray Graham, Portage District General Foundation

MATTERS UNDER CONSIDERATION:

Bill 223–The Jon Sigurdsson Day Act

Bill 300–An Act to amend An Act to incorporate The Portage District General Hospital Foundation

Bill 301–The Salvation Army William and Catherine Booth College Incorporation Amendment Act

Bill 302–The Southwood Golf and Country Club Incorporation Amendment Act

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Clerk Assistant (Mr. Rick Yarish): Good morning.

Will the Standing Committee on Private Bills please come to order.

Your first item of business is the election of a Chairperson. Are there nominations?

Ms. Erna Braun (Rossmere): I would like to nominate Rob Altemeyer as Chair and Bidhu Jha as Vice-Chair.

Clerk Assistant: We'll do one at a time.

Ms. Braun: One at a time? Okay. So Rob Altemeyer.

Clerk Assistant: Mr. Altemeyer has been nominated as Chairperson. Are there any other nominations? Once, twice—hearing no other nominations,

Mr. Altemeyer, will you please take the Chair.

Mr. Chairperson: Well, thank you, committee members for that show of grass-roots support.

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

Ms. Braun: I would like to nominate Bidhu Jha as Vice-Chair.

Mr. Chairperson: Honourable member for Radisson has been nominated. Are there any other nominations?

Seeing no other nominations, the honourable member for Radisson is elected as the Vice-Chair.

Now this meeting has been called to consider the following bills. I will read them out very quickly: Bill 223, The Jon Sigurdsson Day Act—Jon Sigurdsson act—it's all right, it's Monday morning; Bill 300, An Act to amend An Act to incorporate The Portage District General Hospital Foundation; Bill 301, The Salvation Army William and Catherine Booth College Incorporation Amendment Act; and Bill 302, The Southwood Golf and Country Club Incorporation Amendment Act.

We—as you have noted we have a small number of presenters registered to speak to us today. But before we proceed with that we have a number of other items and quick points of information to consider which I'll share with the committee.

First of all, is there anyone else in the audience with us this morning who would like to make a presentation? We would ask you to please register with the staff at the back of the room. And, as well, I'd like to inform all the presenters that in accordance with our regular rules a time limit of 10 minutes is allotted for each presentation with an additional up to five minutes available for questions from any members of the committee such as for your information.

And then a quick question for the committee: Is there any preference in terms of how we wish to proceed with the presentations today?

Representing—recognizing the honourable Mr. Eichler.

Mr. Ralph Eichler (Lakeside): Yes, tradition usually follow them in the number in which they appear on the order paper. So I'd suggest that we hear the presentation on Bill 301 then 302.

Mr. Chairperson: Is the committee in agreement with that arrangement? [*Agreed*]

Now, very briefly, a few quick notes for members of the public regarding speaking at the committee. I'd like to advise that the proceedings of our meetings are recorded in order to provide a verbatim transcript through *Hansard*. Each time someone wishes to speak, whether it is an MLA or a presenter from the public, I, as Chair, first have to say the person's name and this is the signal for the *Hansard* recorder to activate the proper microphone.

And with that said we'll thank everyone in advance for your patience and co-operation and we'll now get started with the presentations.

Bill 301—The Salvation Army William and Catherine Booth College Incorporation Amendment Act

Mr. Chairperson: So beginning with the act on The Salvation Army William and Catherine Booth College, I'm wondering if we could please call Mr. Reeh Taylor to come to the microphone.

Good morning to you, sir. Thank you for coming.

Mr. Reeh Taylor (Counsel for Salvation Army William and Catherine Booth College): Good morning, sir.

Mr. Chairperson: Do you have copies of your presentation for the committee or just a—

Mr. Taylor: I didn't think that you would wish—

Mr. Chairperson: You don't need one. Yeah, don't worry. Please proceed.

Mr. Taylor: Soporific enough to hear me without memoranda from me as well. The—Mr. Chairman, the—and members—the amendment that we seek is a very simple one and yet it's of some real significance to the college. The—and I promise I shall not be more than two or three minutes.

The college's active incorporation itself includes, as one of its declared objectives, to give university level training—instruction and training. The college is already a degree-granting body.

The Council for Post-Secondary Education has already given its papal blessing, as it were, to the proposed amendment, subject, of course, to the wishes of the House.

The college here in Winnipeg is the only degree-granting higher education institution amongst all of the 52 colleges run by the Salvation Army throughout the world. And a number, a great number of our graduates go—fan out from here to other parts of the world, taking with them the name and reputation of Manitoba, of Winnipeg and of the college here. It has become the premier post-secondary educational institution of the Salvation Army internationally. And it's very important that those graduates of ours who go out into the world are able to describe themselves as graduates of an institution teaching at the university level. Hence, our request that we insert the word "university" into the college's proper name.

I would only add that if there's any concern on anybody's part that university college might give the wrong impression. It's a nomenclature that's become very familiar throughout, not only North America, but the rest of the world, but in Ontario, Alberta, British Columbia, in Israel, Kenya, and elsewhere. It's a well-known designation.

So I leave those thoughts with you, Mr. Chairman, and members. If you have any questions for me, I'd be glad to try to answer them. If I can't, I have Dr. Donald Burke with me, who is president of the college.

Mr. Chairperson: Thank you very much for your presentation.

Committee members, any questions for our presenter?

Ms. Marilyn Brick (St. Norbert): Thank you, first of all, for presenting to us. It was very interesting to hear the information you presented.

Can you tell me how many graduates there are on a yearly basis from the college?

Mr. Taylor: I can tell you in about 15 seconds, if I may—71 this year.

Mr. Chairperson: Seeing no further questions, thank you very much for your time with us this morning.

Mr. Taylor: Thank you for your patience.

Mr. Chairperson: That concludes presenters on Bill 301.

Bill 302—The Southwood Golf and Country Club Incorporation Amendment Act

Mr. Chairperson: Now, moving to Bill 302, we have the name of Mr. Tom Dooley presenting to us on the Southwood Golf and Country Club incorporation.

Morning, Mr. Dooley.

Mr. Tom Dooley (Southwood Golf and Country Club): Morning, Mr. Chairman; morning, members of the committee.

Mr. Chairperson: Please, proceed.

Mr. Dooley: Thank you very much. I'm a lawyer with Aikins, MacAulay & Thorvaldson and had a hand in drafting the amendments to this bill. I am just here for a two-minute presentation, too, and to be available for any questions or to add any additional information. I also have a past president of the club, Mr. Ian Shaw, with me if there are any other questions which I can't handle.

Mr. Chairman, the petition indicates that the purposes of the bill are to restate the terms and conditions applicable to the issue—redemption and holding of shares in the capital stock of the club, and calls on such capital stock—and everybody's excited about that, I'm sure.

Really, what we're doing is we're looking at the legislation that was 30 or 40 or 50 years old, and we're trying to bring it into the 1980s version, anyway, of what the corporate law is all about. So

there are a couple of key things in there we're doing that are consistent with other golf clubs in Manitoba. Most golf clubs now have an arrangement whereby you can become a shareholder by making a down payment on a share and paying instalments over a period of time, and, of course, that isn't permitted under normal corporate law. So that provision is being introduced in this particular legislation, although it is a practice which is in effect in any event.

There's also some old-fashioned concepts about the club repurchasing shares and holding them, and themselves, and there's a limitation in the act saying the club can't hold more than 100 shares. That's a concept that went out, again, 50 years ago. When shares are cancelled—pardon me—when shares are repurchased from a member who is—has given up their privileges or has deceased, those shares are simply cancelled, restored to treasury and then new shares are issued to new people. So there's that kind of clean-up that is going on.

* (11:40)

Secondly, the notice indicates it's to clarify the purpose of the club. There was reference in the bill—in the current act, rather—to carrying out the purposes of the club, but those purposes were never enunciated and this bill indicates the purpose of the club is to carry on a sports and social facility, and then to provide for the application of The Corporations Act to the club.

And, again, this bill is a short bill; The Corporations Act has over 400 sections associated with it. It's common now in a private act to say: to the degree that something isn't specifically dealt with in this small bill, the general provisions of The Corporations Act will apply. And that gives people guidance as to what the duties and responsibilities of directors are—the same as those applicable to corporations incorporated under that act, what the privileges of shareholders are, et cetera, how to call meetings. So that's really the clean-up that we're doing.

I might mention that Southwood Golf and Country Club is located immediately north of the University of Manitoba. It is in the process of moving south into the St. Norbert area and people are very excited about that event which will begin next year.

So, if there are any questions, I'd be pleased to deal with them, Mr. Chairperson.

Mr. Chairperson: Thank you very much for your presentation.

Mr. Ralph Eichler (Lakeside): Thank you for your presentation.

I just have one question in regards to the pricing of the shares. Has that been established?

Mr. Dooley: Yes. The shares, I believe, are—\$5,000 each is what everybody who is currently a shareholder has paid for those shares. That becomes a credit to that individual so that when they leave, they get back the money that they paid for those shares. But that can vary over a period of time. If you would go back to 30 or 40 years ago, they might have been \$500.

I just want to ask Mr. Shaw if I've given correct information. *[interjection]*

I'm sorry. The share is \$1,500. There's a transfer fee associated with it.

Mr. Eichler: Just further to that question, then. Is there any interest paid on the shares and is the administration fee on the front and back end on both the buying and selling of the—of those shares?

Mr. Dooley: There's no interest associated with shares. The shares give you the privilege of then paying for use of the facilities for various activities, whether they be social activities or golf activities, in this particular case. And the transfer fee is payable up front. I believe there's instalment privileges over the first couple of years. There's no back-end loading.

There's also a special provision that has been put in this legislation indicating that if the shareholder passes, that the club has an obligation, when given notice by the estate, to purchase the share back from the estate for the amount that has been credited to the shareholders for its purchase.

Mr. Eichler: One final question.

In regards to the share capital, you're proposing 4,000 in the legislation. How many shares are out now?

Mr. Dooley: I believe that we're simply preserving the same number of shares in the same categories that have been in existence from the beginning of time for this particular organization. My recollection, again, is that there's around 400 active shareholders,

and I'm just going to check to see whether that's correct. *[interjection]*

Yes, around 400.

Mr. Chairperson: Any further questions? Seeing none, thank you very much, Mr. Dooley. Appreciate your time with us.

* * *

Mr. Chairperson: Our hardworking Clerk of the Assembly has just received a written submission. This is with regards to the Portage District General Hospital, Bill 300—bill before us today, committee members. Is it the will of the committee to have this presentation adopted in the official events of our meeting today? *[Agreed]* And, of course, this will be included in the *Hansard* results. Thank you.

Now, this concludes the number of presenters that we had on our list. Is there—I will ask one final time if there's anyone else in the room who would like to make a presentation on any of the legislation before us today, here's your latest and greatest opportunity.

But I don't see anyone present, so we will move forward.

And the next question for the committee is in which order would we like to consider clause by clause.

Mr. Eichler: I would suggest, because of the presentations, we deal with Bill 301, Bill 302 and then go back to the beginning and start with Bill 223, and the last one would be Bill 300.

Mr. Chairperson: This is in agreement with—for the committee? *[Agreed]*

Thank you very much, Mr. Eichler and committee members, for your co-operation on this. We will now proceed with the—with clause by clause.

**Bill 301—The Salvation Army William and
Catherine Booth College Incorporation
Amendment Act
(Continued)**

Mr. Chairperson: Now, for a number of these bills, I'm joined by Val Perry, Legislative Counsel. And, in accordance with rule 158(1), on Bill 301, we will first hear a report on the bill from her.

Ms. Val Perry (Legislative Counsel): As required by subrule 158(1) of the rules of the House, I now report that I have examined Bill 301, 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.

Mr. Chairperson: Thank you very much, Ms. Perry, for that report.

Does the bill's sponsor, the honourable member for Burrows, have an opening statement?

Mr. Martindale, you may proceed at your leisure.

Mr. Doug Martindale (Burrows): William Booth, co-founder of the Salvation Army, proposed the establishment of a Salvation Army University of Humanity at the beginning of the 20th century. Throughout the Army's first century, the dream of a university devoted to accredited and post-secondary degree education was left unfulfilled. Although Booth College has been operating and offering degrees in Manitoba since 1982 and has an explicit mandate to offer university-level programming in its incorporation legislation and has been given permission to use the term "university" in advertising and promotion, Bill 301 will make it official that Booth is a university college. And they plan to expand in the future beyond their social work and liberal arts degrees to include business, science and other disciplines, and we wish them well with that. So today, William Booth's dream is being fulfilled.

I want to thank Mr. Reeh Taylor, legal counsel for Booth College, and Christina Wasyliw, Crown counsel, Legislation, for their role in drafting the legislation. Thank you to the Minister of Advanced Education and Literacy (Ms. McGifford) and President Don Burke for asking me to be the private member to pilot this legislation through the Legislative Assembly.

Mr. Chairperson: Thank you very much, Mr. Martindale.

Is there any other member who wishes to make a presentation on this piece of legislation? Seeing none, we will now proceed with clause by clause for Bill 301.

Sorry, I've jumped ahead of myself. During the consideration of a bill, the preambles, enacting clauses and titles are postponed until all of the

clauses have been considered in their proper order. Also, if there's agreement from the committee, I will call clauses in blocks that conform to pages, with the understanding that we will, of course, stop at any particular clause or clauses where members may have comments, questions or amendments to propose.

Is this in agreement for the committee?
[Agreed]

Thank you very much. Now we will proceed with clause-by-clause consideration of the bills.

So, for Bill 301: Clauses 1 through 5—pass; clause 6 and 7—pass; preamble—pass; enacting clause—pass; title—pass. Bill be reported.

I understand—just a moment, Mr. Martindale—there's a motion for the refund of fees with regard to this bill.

*(11:50)

Mr. Martindale: I move

THAT this committee recommends that the fees paid with respect to Bill 301, 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.

Mr. Chairperson: The motion is in order. The floor is open for questions.

And it has been moved by Mr. Martindale

THAT this committee recommends that the fees paid with respect to Bill—

An Honourable Member: Dispense.

Mr. Chairperson: Dispense. Thank you very much.

The floor is open for questions.

Mr. Ralph Eichler (Lakeside): The fees are how much?

Mr. Martindale: We think it's \$250.

Mr. Eichler: Thank you.

Mr. Chairperson: Any further questions? Seeing none, is the committee ready for the question?

Some Honourable Members: Question.

Mr. Chairperson: Shall the motion pass? [Agreed]

The motion is accordingly passed.

**Bill 302—The Southwood Golf and Country Club
Incorporation Amendment Act**
(Continued)

Mr. Chairperson (Rob Altemeyer): Now moving to our next order of business, Bill 302, also in accordance with rule 158(1), we will first hear a report on the bill from Val Perry, Legislative Counsel.

Ms. Val Perry (Legislative Counsel): As required by rule 158(1) of the rules of the House. I now report that I have examined Bill 302, The Southwood Golf and Country Club 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 for that.

Does the bill's sponsor, the honourable member for St. Norbert, have an opening statement?

Ms. Brick, you may proceed.

Ms. Marilyn Brick (St. Norbert): Thank you very much, Mr. Chairperson. And, as you've heard, members of the committee, this bill proposes to amend The Southwood Golf and Country Club Incorporation Act, by making amendments to the club's corporate governance provisions, including amendments relating to the issuance and redemption of shares. The previous incorporation act dates back to 1956. Under the current The Southwood Golf and Country Club Incorporation Act, the club is unable to issue shares unless they are paid in full ahead of time. The revised legislation includes two additional shareholder categories, with the same rights, privileges, restrictions and conditions as the shares of the other two previously issued shares. This amendment introduces a more modern concept of incorporation that would enable the club to better organize its shares.

As you have heard, the club is moving into the St. Norbert community, and I very much welcome them to the St. Norbert community. I want to pay tribute and recognize Mr. Brian Macpherson, representing the Southwood Golf and Country Club, as he was my main contact in working through this legislation, and, as well, Tom Dooley from the Aikins, MacAulay & Thorvaldson law offices. So thank you very much, Mr. Chairperson.

Mr. Chairperson: Thank you very much, Ms. Brick.

Anyone else wish to make a statement on this piece of legislation?

Seeing no other committee members step forward, we shall now proceed with clause by clause for Bill 302, following the pattern established earlier.

Clauses 1 and 2—pass; clause 3—pass; clause 4—pass; clauses 5 and 6—pass; clauses 7 and 8—pass; preamble—pass; enacting clause—pass; title—pass. Bill be reported.

Thank you very much, committee members.

Bill 223—The Jon Sigurdsson Day Act

Mr. Chairperson: Moving now to Bill 223, does the sponsor for Bill 223, the honourable member for the Interlake, have an opening statement?

Mr. Nevakshonoff, you may proceed when you're ready.

Mr. Tom Nevakshonoff (Interlake): Good morning to members of the committee. I'll keep my remarks to a minimum because I had the opportunity during second reading to put the bulk of them on the record.

I'd like to begin by acknowledging my co-sponsor once again, the Honourable Peter Bjornson, MLA for Gimli, who worked very hard in bringing this bill forward.

Jon Sigurdsson played a pivotal role over the course of his lifetime in achieving independence of Iceland from the country of Denmark. He did this at a time when there was a lot of war and strife in the world. His efforts were accomplished through non-violent means, which, I think, is an example to us all.

The act today is in celebration of the Icelandic people who settled in Manitoba here in the late 1800s. They have played a pivotal role in the development of our province. Their contribution is much appreciated. It is also in essence a celebration of our own multicultural nature as a country in comparison to the United States where they have a melting-pot mentality. Here in Canada and Manitoba we celebrate our ethnic origins, and this bill is in recognition of the contribution that the Icelandic people have made to our province.

So I thank you for the opportunity to speak today, and look forward to speedy passage of this bill so that we can celebrate on June 17th, coincidentally, the final day of the Legislature, hopefully, and also the birthday of Jon Sigurdsson. So thank you very much.

Mr. Chairperson: Thank you, Mr. Nevakshonoff.

Does any other committee member wish to make a presentation to this bill?

Seeing none, we will proceed with consideration of clause by clause.

Clause 1—pass; clauses 2 and 3—pass; preamble—pass; enacting clause—pass; title—pass. Bill be reported.

* * *

Mr. Chairperson: Oh, yes, thank you. We have received confirmation just for the committee's information from the Journals Clerk that the refund fee with regards to the previous bill we had on the William and Catherine Booth College is, in fact, \$250, so for everyone's information and consideration there.

**Bill 300—An Act to amend An Act
to incorporate The Portage District
General Hospital Foundation**

Mr. Chairperson: And now proceeding with Bill 300, in accordance with rule 158(1), we will first hear a report on the bill from the hardworking Val Perry.

Ms. Val Perry (Legislative Counsel): As required by subrule 158(1) of the rules of the House, I now report that I have examined Bill 300, An Act to amend An Act to incorporate The Portage District General Hospital Foundation, and have not noted any exceptional power sought or any other provision of the bill requiring special consideration.

Mr. Chairperson: Thank you very much, once again.

Does the bill sponsor, the honourable member for Portage la Prairie, have an opening statement?

Seeing none, does any other member of the committee wish to make a statement to this legislation?

Seeing none, we will now proceed with consideration of clause by clause.

Clause 1—pass; clauses 2 through 4—pass; preamble—pass; enacting clause—pass; title—pass. Bill be reported.

Mr. David Faurschou (Portage la Prairie): I would like to move a motion

THAT the committee recommends that the fees paid with respect to Bill 300 be refunded less the cost of printing.

Mr. Chairperson: Very good. It has been moved by Mr. Faurschou

THAT this committee recommends that the fees paid with respect to Bill 300, An Act to amend An—

Some Honourable Members: Dispense.

Mr. Chairperson: Oh, dispense, thank you. The motion is in order, and the floor is open for comments, questions.

Mr. Ralph Eichler (Lakeside): On behalf of the member from Portage la Prairie, I just want to thank the Leg Counsel, the people from Portage la Prairie, of course, all those that was involved in changing the legislation. He certainly does appreciate the support of the committee and those that was involved in making those necessary changes, so just on behalf of the member from Portage la Prairie.

Mr. Chairperson: Thank you very much for those comments. Any further comments from committee members?

Is the committee ready for the question?

Some Honourable Members: Question.

Mr. Chairperson: Shall the motion pass? *[Agreed]*

The motion is accordingly passed.

The hour being 12 o'clock precisely, what is the will of the committee?

Some Honourable Members: Committee rise.

Mr. Chairperson: Committee rise.

COMMITTEE ROSE AT: 12 p.m.

**WRITTEN SUBMISSIONS PRESENTED
BUT NOT READ**

Re: Bill 300

June 7, 2010

Presentation by Portage District General Hospital Foundation

The Portage District General Hospital Foundation was incorporated under an act of the Legislative Assembly of Manitoba and received Royal Assent on September 10, 1986. The Corporation was created to receive donations for the benefit of the Portage District General Hospital, Douglas Campbell Lodge (a personal care home) and Regency House (senior's housing) by helping the Foundation to maintain a high level of care for the residents served in this area of Manitoba.

A volunteer Board of Directors selected from the community governs the affairs of the Foundation and controls the spending of funds. The Foundation seeks to improve the quality of health care given by the Hospital, DCL & Regency by acquiring items such as new and replacement equipment which is not always totally financed by the government.

In the 2009/10 fiscal year, the Foundation committed \$200,000 to the purchase of specialized operating room equipment as well as another \$100,000 for medical equipment for the new emergency room and Intensive Care Unit. \$12,000 was committed for the upgrade of furnishing to a resident lounge at Douglas Campbell Lodge.

In the 2010/11 fiscal year, the Foundation has committed \$270,000 for more specialized equipment

for the hospital. \$10,000 has been committed to Douglas Campbell Lodge for replacement of equipment.

The Foundation is asking for the approval of an amendment to expand the Board of Directors by two persons, one appointed by the City of Portage la Prairie and one appointed by the R.M. of Portage la Prairie, increasing the number of Directors to seven. The addition of two more members will provide additional representation for citizens of the area served.

Submitted by
Murray R. Graham
Executive Director
Portage District General Foundation

The Legislative Assembly of Manitoba Debates and Proceedings
are also available on the Internet at the following address:

<http://www.gov.mb.ca/legislature/hansard/index.html>