Fifth Session - Thirty-Ninth Legislature

of the

Legislative Assembly of Manitoba

DEBATES and PROCEEDINGS

Official Report (Hansard)

Published under the authority of The Honourable George Hickes Speaker

MANITOBA LEGISLATIVE ASSEMBLY Thirty-Ninth Legislature

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LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, May 17, 2011

The House met at 9:30 a.m.

ORDERS OF THE DAY
(Continued)

GOVERNMENT BUSINESS COMMITTEE OF SUPPLY

INFRASTRUCTURE AND TRANSPORTATION

Mr. Chairperson (Rob Altemeyer): Will the Committee of Supply please come to order.

This section of the Committee of Supply will now resume consideration of the Estimates for the Department of Infrastructure and Transportation, as has previously been agreed.

Questioning for this department will proceed in a global manner, and the floor is now open for questions.

Mr. Stuart Briese (Ste. Rose): I have one question pertaining to Transportation, and then I want to go to EMO, if I may.

And the one pertaining to Transportation is, I've been getting feedback from producers out there about the permitting system for moving farm machinery. And the feedback I'm getting is that every time they move, they have to get another permit from highways, and it's my understanding that—and those permits are free, by the way—my understanding that Hydro has a, basically, a seasonal permit and so do the railways. The railways do charge for their permit, but Hydro has a seasonal permit, and they will go out and check and make sure of routes for that machinery to move.

The concern is farmers are often moving their machinery on the weekend. They can't get into contact to get the permits, and along that line.

Hon. Steve Ashton (Minister of Infrastructure and Transportation): Yes, it is a—on a case-by-case basis, the basic issue there, certainly from our side, is our bridges. I mean, Hydro, obviously, has power lines and other structures that are part of that, so, basically, that's the, you know, reason why it's done on a case-by-case basis. As for the situation over the weekends, if the member is aware of any particular circumstance, you know, I mean, I would assume, I

mean, you know, other than if it's an emergency, that, you know, there is—I mean, that those offices are open, and, again, as the member says, it's usually not a problem to get the permit, so I'm not sure if there's been some issues with the emergency situation. I suppose we could look at that, but that is the reason why it's done. It's on a case-by-case basis, so that's why it hasn't been done on a seasonal case.

But, generally speaking, I'm advised by the department that it's usually pretty routine, and most producers, you know, know the system and, you know, the permits are routinely provided.

Mr. Briese: I just would encourage the minister to make the system as user-friendly as possible. Sometimes, at seeding time, and I farmed for many years, they—you're moving equipment at 6 o'clock in the morning; you're moving it after offices close in the evening; you may be moving to an area—you may move one place and find that it's too wet to work there, you move to another one. So, to make it as user-friendly as possible certainly would be the request, or you're going to have people moving machinery without permits. [interjection] Wasn't going to respond, okay.

I'll go into some DFA or EMO issues. We've had a couple of contacts from Traverse Bay, a couple of year-round properties on Traverse Bay on Lake Winnipeg where the wind storm last fall, that major one, did major damage to the property, and these are both ones that have sent–spent considerable money on protection of their properties, and they, I believe, are–have been turned down by Disaster Financial Assistance and are at the present time appealing. There's some Crown land property in the area that has had a considerable amount of money spent on protection, and they're wondering why they have been turned down on their disaster financial assistance appeals, and I can name them if you prefer.

Mr. Ashton: Yes, well, I wouldn't normally comment on specific cases and, most definitely, wouldn't comment on cases that are before the appeal. You know, we do ensure that there's, you know, both proper adjudication by EMO, but also that we have that arm's-length appeal. And I think it's really important that ministers not be involved. You

know, that's why the appeal is there; it's arm's-length. So I'd appreciate the member putting on the record the specific concerns, or the general concerns, anyway, and if there's any general issues without getting the specific case, certainly, he's more than welcome to put them on the public record.

But, generally speaking—well, in fact, generally speaking, I always, as minister, do not get involved within specific cases, and that's why we have an appeal body that, as this member knows from his own experience, also includes a direct appointment by the AMM. So it's not just a direct government appointment. It also includes, you know, people and municipal leaders who do have a, you know, good sense of not just the rules and regulations, but also, you know, the intention of disaster financial assistance and the, you know, the sense of fairness that you need in terms of that.

So I have every faith in the appeals body, and, as I said, I wouldn't want to comment on a specific case, you know, particularly if it's before the appeals body right now.

Mr. Briese: And thank you, Mr. Minister, for your response.

Can the minister provide an update on the costs incurred by the Province in the 2009 flood, and how much the Province has recovered from the federal government on that flood?

Mr. Ashton: I can indicate a ballpark figure of about \$70 million, in terms of the amount of money that we've seen. The federal government, I'd have to get a–I can get back to the member in terms of that.

As he's more than aware, they're—the process can often be quite lengthy. I remember when I was minister a number of years after '97 flood, and it was several years before we received the final payments. There is a pretty lengthy process involved. Obviously, we deal with the claims, but we also, then, have the federal government review the claims.

I can, also, in a general sense, indicate that if it's a significant amount of damage to municipal infrastructure and to provincial infrastructure, one or the other key elements of that DFA program, as well, was that we did adjust the deductible to put a cap on, you know, the kind of claims that—or kind of deductibles that were impacting.

You know, the RM of Morris is a good example, where they've had, you know, continuous floods, have, you know, a modest tax base and, you know,

where the application of a straight 10 per cent formula was proven to be problematic. And that's something–I know the member's a former president of AMM, knows was an issue with the–for the AMM for a considerable period of time. So the breakdown is a little bit different from the 2009 flood, in comparison to previous floods in terms of some of the municipal cost sharing.

So I can undertake to get our DFA side of EMO to get more direct information, perhaps, if not next time we speak, I'll make sure we respond in writing.

Mr. Briese: How many outstanding claims are there still from the 2009 flood, if there are any?

Mr. Ashton: You know, I don't want to go by memory, you know, because I did get a briefing on this a couple of weeks ago. But what I'll do, I'll provide the detailed information. I'm assuming, again, the member's talking about the spring flood, because we also did have other weather events. We happened to have quite a few claims from other weather events. So the member's indicated in the affirmative—so I'll undertake to get a breakdown of the number of claims that were filed for the 2009 spring flood event.

* (09:50)

Mr. Briese: Are you envisioning any more buyouts of flood-related properties this year?

Mr. Ashton: Well, we moved very quickly after 2009, as the member knows, north of Winnipeg. I'm not aware of any now, but I do want to indicate that, clearly, with the experience of the 2011 flood, we will be into a review of mitigation and programming needs to deal with the experience in this flood. And one of the issues that's always looked at is, if you can't feasibly protect homes, you know, whether the option of a buyout has to be considered.

I do want to indicate in terms of First Nations that we are working in support with Peguis and also the two communities on Lake St. Martin. We've indicated that we are fully committed to working with them on mid- and long-term solutions. And I do know, in the case of Peguis, for example, the federal government has already agreed to relocate 70 homes. So, whether they're bought out, or raised to higher levels, or moved to another area, or reconstructed will remain to be seen.

And that's one of the issues, as the member is probably aware, with the two communities on Lake St. Martin. And again, we've indicated that we're going to be working with them and the federal government through INAC because clearly, again, there are homes that are-it's very difficult to protect. So, even though that's not something happening as we speak, there's been commitments made, certainly in the case of Peguis. And, again, it's not necessarily our jurisdiction generally. We do believe that that's got to be part of the mix. It's something you do asmore as a last resort. You know, the first, of course, is try and protect the homes permanently, but in many cases, the member knows it's no different than the Red River Valley. There are homes that just can't be protected in an effective way, and not least of which in terms of cost-effectiveness. So, yes, that will continue to be something we will be looking at as part of our experience now.

Mr. Briese: Could you give me a few comments on what the Province's short-term priority is with respect to flood mitigation, and beyond that, where we're going long term, or what the view of the minister is on where we're going with flood mitigation.

Mr. Ashton: Well, I think starting with the agreement that we negotiated with the federal government, we did negotiate a federal-provincial agreement for flood protection. It came out of the experience of 2009 spring flood. It does involve a number of different components. We are moving on an individual flood protection program. That, by the way, is entirely provincial funding. We do have agreement on the whole approach of community ring diking. Again, this is according with what we have done—what we did do, post '97. And right now we have taken applications. We are moving ahead on that so that is very much in place.

And the member mentioned about buyouts. That was one of the first things we did. We did that prior to this federal-provincial agreement and we bought up properties in Breezy Point and also in the RM of St. Clements. So we are working on that existing move—you know, it's folks in the north of Winnipeg that—we're not strictly looking north of Winnipeg. We're working with the RM of Kelsey right now on Ralls Island. We get infrastructure funding for ring diking in that area and the municipality has been finalized in the cost of that—that we'll be proceeding.

I would expect coming out of the 2011 flood experience that we will, again, do what we always do, which is, sit down and basically assess the experience from this flood, particularly on the Assiniboine and perhaps, in some degree, Lake

Manitoba because in both cases, we're seeing a new flood record. On the Assiniboine in Brandon, it appears it was a one-in-300-year flood, which is very, very significant, and, on the Assiniboine, currently, we are seeing very significant flows as well. So we're going to be assessing that. I wouldn't want to get into, you know, predicting the exact nature of what we might be looking at, but, obviously, we'll be looking at everything from the possibility of expanding the capacity of the Shellmouth Dam, which has made a huge difference this year-I would say we are probably looking at the dikes-the Assiniboine dikes-it's important to note that we built a lot of the dikes. We put at least \$25 million, as prior to the work in the last week, into the Assiniboine dikes this flood season. A lot of it was built during winter conditions, so we would have some additional work to make them, you know, permanent dikes. So we would invest on that.

And, I think, if you look at other issues, we would certainly be looking at whether there are other issues involving, you know, Lake Manitoba. It's important to note with Lake Manitoba, we currently have the highest level since regulation in 1961 and, you know, we're still below natural levels. I mean, we do have natural inflows. We also have the outflow at the Fairford structure, but, clearly, again, that's something that we could look at in-both in terms of Lake Manitoba, but also Lake St. Martin. because Lake St. Martin has a natural outlet. And, you know, I think the future regulation of Lake St. Martin has to be an issue. We're going to have a look at whether we can proceed on something that was discussed, I think, in the late '70s, 1978, which was-would be an outlet from Lake St. Martin.

And I think, you know, generally speaking, we would approach it with a fairly open mind. You know, we'd have to look at, I think, perhaps in some of the areas of the controlled release, you know, whether we would look at more permanent, you know, flood protection. We're going to have to be meeting with the municipality; I think it's a bit early to, you know, say that. So that's just kind of a general scope of what we're looking at.

We spent a billion dollars the last 10 years on mitigation, and I wouldn't want to underestimate the degree that that's made a huge difference. Just take the Red River this year–I know the events on the Assiniboine and Lake Manitoba have taken a lot of the attention away from what happened on the Red River. But we ended up with a flood that was greater than in 1950, when 100,000 people were evacuated,

10,000 homes were destroyed; and it's partly because of the floodway, partly because of the Shellmouth Dam, partly because of the Portage Diversion. Also, though, it's the community ring dikes, and I've mentioned before, and certainly we haven't got the full reports in yet, but in 2009, when the flood was even greater than this year, we had one home impacted by water in the Red River Valley.

And, if you take the work we've done on the Red, add in the work we're doing north of Winnipeg on the Red River, and then look at a renewed focus on the Assiniboine and, you know, including Lake Manitoba as well, clearly, we'll be looking at mitigation. And I'll be very clear: If the flood of record was 1976 before on the Assiniboine, it's clearly 2011, and when we're looking at Lake Manitoba, we're seeing lake levels now in Lake Manitoba that are similar to the lake levels that existed pre-regulation. And when I say regulation, pre the outlet structure.

So, clearly, we're into a very new scenario, a very difficult scenario for people in and around the lake, whether it be the nine municipalities, the two First Nations, the cattle producers, the homeowners, cottage owners, and, you know, clearly, that's going to be job No. 1 once we get out of the flood stage. We're just going to be—we're fighting a flood right now; we're going to be flood recovery; and almost as soon as we're into flood recovery, we're going to be starting the work on, you know, what we can—what can we do better next time.

Mr. Briese: Yes, the Lake Manitoba levels—talking to people that live along that lake over the weekend, I'm being informed that they're higher now than they have been since the very early '50s, and most of the ones that have lived there a long time know exactly where that line was in the 1950s, and so—on their properties—so it's interesting to hear their views of it.

The federal government recently announced a disaster financial assistant arrangement, and I know there's been some quotes from the Premier of Saskatchewan on the arrangements they've been making. Where are we at in that negotiation?

* (10:00)

Mr. Ashton: I'm not sure what the member is referring to. The Disaster Financial Assistance Program, we've seen some improvements in it, but that's national; it's not bilateral.

Mr. Briese: They're-it's the-yes, disaster financial assistance arrangements, where they're suggesting

that there be 50-50 cost sharing on mitigation works. Have we got that agreement in place with Ottawa to do 50-50 cost sharing on mitigation, because that was never a part of DFA, mitigation work, and I'm wondering if we have that in place? It's for things like berms and retention basins and all those types of things that will help in a flood situation, prior to.

Mr. Ashton: Well, I think it's important to separate out disaster financial assistance from funding for mitigation.

Disaster Financial Assistance Program deals with damage to essential property. I know the member knows this, but I'm just repeating this for the public record. It is assistance. It only has a small component which deals with mitigation. What the federal government has done on that area—and I want to commend Minister Vic Toews for his work on this—is there is a 15 per cent top-up on disaster assistance payments that can be used for mitigation. And he's agreed that it should be available for community mitigation projects, you know, to deal with, kind of, the broader situation, so that you might have a number of homes impacted, but you can then put the money into not just the individual home, but into, say, a community ring dike.

The issue on mitigation is quite separate. There is no national mitigation fund. We've been arguing that there should be a national mitigation fund.

Historically, a lot of the investments in mitigation in the province have been done through, essentially, a strategic infrastructure approach, most recently with the floodway. It was treated as a strategic national infrastructure project. We believe that makes sense when you're dealing with significant projects like that, because this is in the national interest, I mean, not the least of which, it's in the federal government's interest. In 1997, for example, you know, they were about 230 out of 280 million dollars of the various assistance that was paid post-flood. So, you know, when you consider that DFA has a formula that goes up to 90-10 cost sharing with the federal government, they have a cost avoidance that's very significant.

But I suspect what the member's talking about is really similar to what we have here. The most recent flood mitigation initiative that we reached with the federal government basically took existing infrastructure funding and then used that cost-sharing formula, and the various components outside of the

individual ring dike projects are going to be cost-shared with the federal government. The government will not finance for individual homes; they will finance for community ring dikes.

So I'm not sure what's happening in Saskatchewan, but I suspect that's really—it's very much the same thing, that this is out of infrastructure funding. It's not connected in any way, shape or form with DFA, and it's out of existing infrastructure funding, not, you know, a strategic allocation.

Mr. Briese: What I'm not clear on, Mr. Minister, is the diking that went on on, for instance, the Assiniboine prior to the flooding beginning. Is the federal government going to cost-share that? This was—in Saskatchewan, it was indicated that it was going to be a 50-50 basis, the cost of any permanent flood mitigation measures, for this year only, was my understanding, so—

Mr. Ashton: Well, we were in flood preparation stage officially on January 24th. We did the unusual step of moving our forecast up to January, and I think the member knows why. All the preconditions were there for major flooding; it was just a question of how much.

We have indicated that, certainly, our position as a Province is that's when the flood preparation starts, and we would certainly put forward that the costs that have been incurred since that time should be eligible for the kind of assistance that is standard with disaster financial assistance.

And I want to stress that we have done a significant amount of work. I mentioned, on the Assiniboine dikes, upwards of \$25 million, and that's before the last week. And we have done quite a bit of work elsewhere in the province. I can indicate that the Premier (Mr. Selinger) has raised this with the Prime Minister. And I do want to indicate that the Prime Minister, during the election, did meet with the Premier, but they also have met as recently as just a few days ago. And, certainly, it would be our position that these costs should be eligible.

And, as the member knows, the key element with disaster financial assistance—just take dikes, for example—is if you are building dikes for flood preparation, temporary dikes are covered. There's often a question of whether permanent dikes are covered or not, and our position would be it just wouldn't make sense to rip something down so that it would be eligible for cost sharing.

So, certainly, our view, it would just make common sense to take the work that has been done and it would probably require some additional work, you know, on the Assiniboine–it's a lot that was constructed during winter conditions. Even this past week, we've done a bit of additional work.

I want to thank Manitoba Hydro, by the way; they're doing hydraulic flows. They know about dams and they've given us a lot of valuable technical expertise, and we'd have built up some of the dikesnot just the weak points, but also where we needed to improve structure.

So our-that would be our position and to give you an example, and I think the member's probably aware of this-of the kind of situation that you can run into when you have too strict of an interpretation that only looks at the DFA side. I remember a few years ago with the RM of Kelsey, Ralls Island, where, of course, we are looking at permanent ring diking right now. We do have agreement for infrastructure funding, where we had a flood, it was recommended they build up temporary dikes and the temporary dikes were not eligible for cost sharing under DFA, the federal government, because the flooding didn't reach that high and, again, that just doesn't make sense.

You know, you got to take out any disincentive for municipalities or individuals or farmers or business people to actually do the flood protection. So our approach on this—our position is that this—these were legitimate costs for flood preparation, and we would anticipate that the cost would be recoverable from the federal government. That's why we have DFA, and as for long-term mitigation, we would certainly encourage the federal government to partner with us. I think there's been some indications that they're willing to look at that, and as I said, job No. 1, once we're out of fighting the flood, will be on preparing for future floods.

Mr. Briese: Yes, I certainly recall in 1997, Brandon building a number of dikes as flood mitigation and then being turned down on disaster financial assistance on them. And they were dikes that they removed later, but—or, some of them they removed—but they were turned down on disaster financial assistance. So that was kind of where I was going with those questions on the money that has—the \$25 million that's been spent on the Assiniboine River, and what I'm hearing the minister say is they expect the full disaster financial assistance on that.

Could the minister just expand on what the formula is when they are dealing with First Nation communities? What's the formula with Indian and Northern Affairs Canada on flood mitigation and responsibilities?

Mr. Ashton: Well, there's a couple of dimensions. One is, obviously, mitigation; the second is on floodfighting. The jurisdiction is that it's the fiduciary responsibility of the federal government to deal with First Nations' issues. When it comes to dealing with the floods, we often do provide emergency service and co-ordination. First Nations Manitobans are Manitobans.

The cost is recoverable, so, you know, that's the financial floodfighting side. On the mitigation side, a good example, really, of-again, the fiduciary responsibility is the \$130-million program that was put in Red River Valley. Part of that included community ring dike protection for Roseau River, and it was paid for 100 per cent by the federal government.

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Certainly, we would view them as having the prime fiduciary responsibility, whether it's with Peguis or any of the other First Nations. However, the one thing we have done is we're not just relying on INAC or the federal government to initiate this. We've been very involved on Peguis. Going back to 2005, we actually came to an agreement that—partner with Peguis and with the federal government, that we did the LiDAR surveyings. We have detailed surveying. A lot of the technical work has been done. We worked with—through that agreement on that as well, so we've identified, really, what needs to be done.

And I want to make it very clear that when we were negotiating with the federal government, we made it clear, as well, that we also were expecting to see movement on First Nations issues. And they did make an announcement of moving 70 homes and they are doing some technical work on some of the flood solutions.

It's very similar right now with the two First Nations communities in and around Lake St. Martin, because there are clearly mid-term and long-term issues there. And, in fact, it's very clear, the position of the First Nations themselves is that some of the homes, if not the entire community, have to be moved. So we're part of the technical side. In addition to helping fight the flood right now, we're

involved, as I speak-and, in fact, MIT is involved with getting the flood protection in place that we need.

We're also going to be there in terms of the longer term situation. The two First Nations communities on Lake Manitoba, there's been diking, and, again, we've been part of that in terms of helping get the work done. So, generally speaking, the costs are recoverable from the federal government. However, it doesn't mean that we, even given all the jurisdictional issues, aren't very significantly involved. We are, and we will continue to be.

And probably one of the best examples how we moved in that direction recently is-one of the big concerns Peguis had was the need for the kind of rapid deployment floodfighting equipment, and when it became very clear that they needed it and they needed it rather quickly, we agreed to underwrite the purchase. Pretty shortly after, the federal government did agree to cover it anyway. So there was a case where we took the same approach that we did with the municipalities north of Winnipeg, where we provided a grant of \$1.4 million for flood protection systems, and we applied the same principle with Peguis. We said, even though we don't have the jurisdiction, you need that equipment; we'll underwrite it. And, as I speak right now, that equipment has been purchased, it's available to the First Nations community, so there's an example of how we're not using jurisdiction as a barrier.

We're recognizing the role of the federal government, but we are very significantly involved in trying to improve the situation for our First Nations citizens in this province, who, by the way, continue to be, if you look at even the—on the evacuees—have been disproportionately impacted by flooding in this province. In 2009, and even again this year, even with the broader scale, what's happening, you'll see the most significant evacuations, and some of the most significant long-term disruptions are First Nations communities.

Mr. Briese: We know that under current DFA programs, secondary residences aren't covered, like cottages. Will there be discussions with the federal government and programs with respect to these types of residence? Because what we're hearing lately is a lot of cottage property impacts from the high levels of Lake Manitoba, and we've heard the Premier (Mr. Selinger) make some statements that indicate there will be some assistance to those

property owners. Are there discussions going on about protection for secondary residences?

Mr. Ashton: Well, there's two dimensions. One is the mitigation, the second is disaster assistance. On mitigation, we have already set a precedent. We do it both in terms of permanent diking; we've done it also in terms of the immediate protection that's needed.

And I look at what happened to Lake Winnipeg. Going back a few years ago, when we did move to dike to protect Lake Winnipeg, many of those homes were seasonal; many were permanent. You know, when you're building dikes, when you're protecting homes in that area, you don't put a dike in front of one home and not in another.

And that—it's been the case even if you look at the emergency response over the last period of time. Lake Manitoba has a lot of seasonal residents, a lot of permanent residences. So we're—resources are being deployed and, as we speak, for example, St. Laurent, the Twin Beaches area. We have 68 Conservation seasonal staff that are working with St. Laurent, the volunteers. We have a sandbag machine that's been working around the clock. Again, there are seasonal properties there; there are permanent properties. And just as the municipality is committed to protecting both kinds of homes, you know, we're part of that as well. So that's on the flood protection side.

One of the ongoing concerns for many seasonal property owners has been on the disaster financial assistance side. It is for permanent residents. That's the–that is the current federal-provincial agreement. We did flag last year, again, some of the particular impacts. With the windstorm, there were a lot of seasonal residences that were very significantly impacted, and that is something that I did communicate directly to my counterpart, Mr. Minister Toews, in writing. And that is certainly the Province's view that, you know, this is an issue that should be revisited.

I-it's a separate issue, but I do want to also add that one of the other ongoing issues we've faced the last couple of years is where you have a combination of sewer backup and overland flooding, or water backup. And that's impacted areas like Emerson, Transcona. The member may recall there was some significant rain events. It's been an ongoing issue. It's another one we've identified with the federal government. We've specifically identified the fact that, under current regulations, if you have some kind of insurance eligibility, not necessarily

insurance, that does preclude the disaster financial assistance. And we have people that are unable to get beyond \$5,000, and they've faced much more damage, some very significant hardship cases that we're dealing with.

There's another area we've identified, you know, some of the concerns that we do have, and we've indicated that we're more than—more willing to be part—our part of dealing with it, you know, in terms of financial side. What it requires, again, is, you know, some review of the DFA program itself.

Just broadly, on the DFA, I don't know if the member is aware of this, going back to when he was president of the AMM, we're not underestimating the degree which you've seen some improvements at DFA over the last number of years. We've moved Manitoba to a \$200,000 cap on claims. We did that in 2009.

But we've also moved nationally on payment for municipal equipment. Here in Manitoba, we have 65 per cent of the heavy equipment rental rate, up from, I believe, 16 per cent, which led to some really bad, you know, situations facing people, you know, municipalities in terms of either cannibalizing their own equipment or else having to, you know, to rent.

So there are indications that you can get changes over time, and these are some of the areas that we have identified.

And, again, you know, we continue discussions on ways which-in which we can improve DFA, but these are some of the priority areas we've identified in terms of the Province.

Mr. Briese: I just want to—I notice you're—and I've noticed a lot of the media, too, keep referring to Twin Beaches and St. Laurent. There's a couple of spots in my constituency that are similar, that one of them's in dire straits. As of last night, they've been doing their diking. They've been sandbagging for the last week, and their dike is eroding as of—somewhat as of last night, and they're out of steam. They need some help out there, and that's a big point which is straight east of Langruth.

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The-another thing that we have seen in former disaster financial assistance programs was business disruption. Will there be a program similar to that this time, where they were paying part of the costs of the business while it wasn't able to operate?

Mr. Ashton: We've only seen one program of that nature. It was in 1997, and—only I can indicate that we are identifying in the area of the controlled release a broad compensation package that reflects the fact that—notwithstanding the fact that that area may have been impacted by a breach to the dike anyway, the disruption there—it's a very unique circumstance and there will be a special compensation program.

We'll be announcing the details of that probably in the next couple of days. We're finalizing it right now. We would certainly welcome federal involvement with that and we will certainly be communicating with the federal government on that, but we're not going to wait for that. We made that commitment concurrent with the actual actioning of the controlled release, and, certainly, that will look not just at the DFA level of compensation, but will look at other issues, particularly on impact on people's livelihoods. So, in that particular area, that will most definitely be above and beyond.

And I mention that we are looking at some of the parallels we have. We did have compensation, for example, for the floodway, Shellmouth Dam, under statute. There was the '97 program.

And this would be—to my mind, it would apply very uniquely in the special release area, because, you know, I think the clear message coming from people in that area is, you know, what happened was unprecedented in terms of the weather events and the flooding events we've been dealing with. We went to unprecedented step of this controlled release, so we're going to have an unprecedented program.

Mr. Briese: I'm sure there'll be some discussions going on with a lot of businesses in Brandon, too, that are feeling the impact and they'll be looking for some kind of a business interruption program.

Is the government looking at hiring more EMO staff because of the high number of damage claims that will be filed this year?

Mr. Ashton: We'll assess our staff needs, I think, as we get into the flood recovery stage.

I can indicate we've moved significantly over the last number of years to a more permanent staff complement. It's perhaps a comment on the kind of challenges we've been faced with in the province that a few years ago EMO staff was primarily seasonal and certainly term. We now have a significant component of full-time employment, and it's really

just been the fact that—do I have to run through all the significant weather events we've been dealing with? I mean, it's been significant, you know, significant work.

And one of the things we have done, I should mention, we've worked very hard to improve the turnaround times, certainly compared—if you went to, say, '97, you know, which was major flood and some of the time frames and compare it to today, there's a big difference. And a lot of that, again, is our—you know, we have staff that are experienced, they're trained, and we have a sufficient staff complement.

But I can assure the member if we need more staff, then I will certainly be going through the formal processes to request it, because one of the key issues in the recovery stage is obviously going to be getting claims in from municipalities and from individuals who have been impacted. And I wouldn't even hesitate to guess right now—you know, I wouldn't guess on what the total damage will be. I know we're getting—you know, the Premier's talked about \$200 million. That's a ballpark.

And I can assure the member of one thing when it comes to claims: We're not putting an artificial cap on whatever would be paid out. If people are—if they're eligible for compensation, you know, through—if they're eligible for assistance, we'll make sure they get it.

Mr. Briese: Are municipalities responsible for purchasing their own sandbags and tube dikes? I know there's been some concerns raised about some people being charged for sandbags, and I don't know if that's municipalities charging the people, or what the process is. Could you expand on that a little bit?

Mr. Ashton: Basically, municipalities do have a, you know, a key role and responsibility. They have the key–you know, front line on–in terms of emergencies.

We have moved very significantly to bring in sandbag machines. I know there was some concern early on, I won't dwell on it, that we had a sandbag machine that was not used early on in the flood. I can tell the member that that sandbag machine and all of them are being used, literally, around the clock. And that's been one of the key elements in response to this flood that perhaps hasn't got the attention it should, is the degree to which we've had the capacity to respond in that way.

In terms of rapid deployment systems, we did move fairly significantly in 2009. We enhanced that capacity this time around with a significant provincial capacity.

I want to indicate that we've had some experience now with the tiger tubes. They're useful, and in many situations, we just don't have time to get the standard sandbag dikes up. Aqua Dams, we've been using them in a very similar situation. We did move this year to purchase the HESCO cages, which, are sort of, redeployable sandbags, if you like. The military uses them in various different applications. We've used them in some situations as well.

And, one of the areas, I think, where that preparation has paid off, is—has been our ability to rapidly deploy flood protection systems into the controlled release zone. You know, last week when we made the decision, we made it very clear that we weren't giving up on any homes. And by surveying and getting those rapid deployment systems in place, we have been able to put flood protection systems in the homes well in advance of the spread of the water from the controlled release.

There has been some purchases now that municipalities have made as well. And we did work with the municipalities north of Winnipeg this year, given the special circumstances of 2009 and the flood risk. We–I did grant to those five municipalities, East St. Paul, West St. Paul, Selkirk, St. Andrews and St. Clements, funding for rapid deployment systems and they did purchase their own systems.

Now, having said that, it's very similar to what we've done with the Amphibex ownership, where we have a partnership with three of those municipalities; those items have been available for deployment across the province. So we do have a provincial component.

I want to indicate, by the way, too, even in terms of producing sandbags, perhaps what isn't known publicly, is also the military has been involved in helping us get the sandbags produced, including here in Winnipeg. So we've used various different resources.

And the member's talking about municipalities charging for sandbags. That's not—we don't charge. That's—I've heard of reports of that. I think, generally speaking, that's not the case, though. And I do think, maybe, in some cases, there may have been situations where, you know, there are or there have been sandbags available that aren't necessarily targeted for, you know, primary deployment in the

emergency areas. Maybe municipalities made different decisions in terms of that. But we have a very significant focus on sandbags.

And I should mention just one other brief comment for completing the answer. There were a lot of concerns about the city of Winnipeg having a lot of sandbags that they didn't necessarily need this year. I can tell you those sandbags are being used as well. So one of the untold stories here is the degree to which we use the sandbags, and these rapid deployment systems, with the rapidly evolving situation, have the ability to respond.

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Mr. Briese: I was pleased to hear the minister indicate in question period yesterday that they were doing some surveying levels in the Lake Manitoba region. They've—I know they've issued the inundation maps and in some cases they're not very accurate about—on the actual elevations of the land. So I'm just wondering whose responsibility is it to see that the survey levels are done. Who's paying for it, and how quickly are those elevations going to be available to the property owners along the lake?

Mr. Ashton: Well, I can get a more detailed response, but in a general-you know, and I'll get back to the member in terms of that, but in a general sense, it's important to note, and the member knows this, there's different levels of surveying and mapping in the province. Where we have LiDAR surveying, which we have done in and around Red River Valley, both north and south; I mentioned about in and around Peguis; we moved-you can see it on the controlled release area in and around the La Salle River; we do have very detailed information available. However, in other areas, and this is why the surveying was such a key component in the controlled release area, we have more general information, and we have been able to move very rapidly to survey that area, which has been critical in terms of individual elevations.

I did—I talked to one of the affected reeves yesterday, a reeve from Grahamdale, and that clearly is going to be an issue to make sure that we have the fully accurate survey data. The feedback I'm getting around the lake is it really varies from location to location. And we are going to be mobilizing whatever resources we have available to do some of that detailed work.

Now, in some cases, you know, the member mentioned the inundation maps, you know, that is

our best initial estimate based on the forecast levels, and we're anticipating peak levels in June. And the real benchmark there, and the member knows this, is 813 feet: 813 feet, anything above that, you're into a wind and wave set-up. We saw that this weekend, you know, some of the challenges that were in place, even at this level, which is below what the projected crest level is.

But what we're going to be dealing with, I wouldn't underestimate some of the challenges because when you're several feet above theessentially, the wind-assisted flood level, it means some very significant challenges in getting flood protection in place. So we're working on this as we speak and we will be targeting some of the survey data. We do know, certainly, where the homes and cottages are and the communities are in the area, and we are making some real progress. I think St. Laurent is a good example where, by putting additional resources in, we've been out there with a very critical situation, and, certainly, the reports I've received from this morning, we're making some progress there.

The member's right in terms of his constituency; there are impacted areas. We've been signalling this for some time. Even when the Assiniboine River recedes and that challenge, you know, dissipates, we're into high lake levels. And there's going to be particular challenges in and around Lake Manitoba and, by extension, Lake St. Martin. So I think the member has identified a lot of the issues, and we are dealing with them as we speak.

Mr. Briese: I spent most of, well, pretty well the whole weekend this past weekend, all three days, up and down the west side of Lake Manitoba in the flood-affected areas, and one of the concerns is they're building dikes around their homes and around some cottages, and they're not sure what level to build those dikes to. I know when we talk about more in-depth survey levels, the RM of Dufferin, some time ago, did a-it's called LiDAR, and it's done by air, and they did their whole municipality with that system. I have no idea about the costs. I don't know very much about it, but I would-but I'm wondering if that might be useful in some of these areas right now.

Mr. Ashton: Well, we do have LiDAR surveying for most of the Red River Valley, you know, various different watersheds. It really comes down to what could be done and how timely it can be done and quite frankly, that's why, for example, in around the

controlled release, we moved very quickly to bring in traditional survey crews who worked in these very difficult circumstances and did a terrific job in identifying specific elevations.

So we're going to look at all available options. The key issue, though, is with too many pressures on Lake Manitoba, time is of the essence. It may not be in the same situation as, you know, some of the river basin flooding where you get, you know, a development over perhaps a shorter period of time because, you know, even when we hit peak in June, we could see levels, very high levels, with current forecasts, well into the end of the year. So it's going to be a real challenge

So we are going to look at, you know, on the surveying side. We're looking at the logistical side, and we're already working, as we speak, on [inaudible] you know, working with municipalities and First Nations on some of the diking. You know, we've worked with the two First Nations on Lake Manitoba already. There's one dike which I believe is about four kilometres in one community, 17 in another so this is going to be a real focus for us over the next few weeks. So it's a bit of a-you know, traditionally in Manitoba we talk about the spring flood season. It's not a spring flood season this year. It's spring, summer, fall, and maybe even winter.

Mr. Briese: Moving on to a different area, with evacuees, what are the current policies? Who pays for what? What does the Province pay for? Do they pay for meals? Do they pay for hotel rooms? What is the—what are the policies that are in place right now?

Mr. Ashton: Yes, what I'll do, I can probably get the member a kind of detailed response on that. First, generally speaking, there's also a difference between the federal jurisdiction and the provincial jurisdiction. When it comes to First Nations, we don't make the call on evacuation. That's made usually by the community in conjunction with INAC. So it's a different situation. Of course, many of the evacuees stay with family and friends, but I can get the current supports that are in place for the member. I must apologize. Our EMO staff right now are out dealing with the front-line stuff so normally I would have somebody, the deputy or the executive director here for Estimates, but I'll get more detailed information for the member at a future sitting.

Mr. Briese: The Premier (Mr. Selinger)—and we've all heard it announced that there would be a special

compensation program in relationship to the breach on the Assiniboine River. What stage are you at on developing that compensation program, and how quickly can—do you anticipate compensations to be out there for people that, for instance, had to move livestock and move some other things very, very quickly?

Mr. Ashton: Well, first of all, you know, when you're into any of the flood areas, let's just talk in the general sense, clearly there's—we have a DFA process. There's also a AgriRecovery so Agriculture's very much involved. One of the key issues that we're going to be dealing with is really how long the water's on the land, how much impact that has on the farm side, and it will vary throughout the province. I mean, I was reminded of the fact in 1997. Despite the major flood, the water cleared off fairly quickly and there was actually a very good crop in the area.

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Now, having said that, this year there's clear indications that there are parts of the province that will have some significant impacts, not the least of which would be towards the livestock. You know, I think there's going to be some clear impacts, some areas where, you know, access issues are involved, you know, feed issues, hay land, you know, being particularly potentially affected. And what will tend to happen, too–it'd be much the case with the municipal and provincial roads, we've been upward of 700 roads being closed in portions.

Our experience in 2009 is that it will often take some time for those roads to be-even open to the point of allowing work, and you may have some significant water situation-saturation that may continue, longer term. I look at the Interlake-I mean, the Interlake-parts of the Interlake have been in flood-type scenarios for the last several years. So, as for the timing, a lot of it will depend on that element. But our intent, on any-the special compensation, would be to move it as soon as possible and, you know, when I say soon as possible, in terms of the details, I think we're close to finalizing the details as we speak, so we'll be making that announcement shortly and that's, you know, the special compensation program.

And, as for DFA, we made an announcement several weeks ago there'll be a DFA program. It's just a formality for the federal government to agree to it. There will be a-there's a rollout even, you know, as

we speak. And the member knows, the normal process, people should be contacting their municipal offices in terms of that. And I do want to assure the member, too—I know this came out as a question in the House yesterday, in the special compensation area—you know, that we sort of recognize that people had a very short period of time to prepare. Our concern has always been, you know, proper evacuation where needed and putting in flood protection. So, again, we'll have a program that will reflect that as well.

You know, we don't want people running—having to run around, preparing for paperwork post-flood. We want them to prepare for flood protection and a safe evacuation if necessary.

Mr. Briese: And I know you've indicated that this is going to be ongoing and I have a number of ranchers I've talked to in my area of the—my constituency, and I'm sure it's a similar situation on the other side of the lake, where they pasture most of their lower land and they grow their feed and their hay supplies on their higher land, and they're able to, at the present time, move their cattle onto the hay land. And they're going to be there for the summer because I've seen what the pastures are like; they're under water.

And they're—so we're going to be running into—these ranchers are going to be running into no available feed in their area in the fall. Traditionally, they would've supplied all their feed supply. So it's definitely going to be a long-term process here, and I think those farmers need to have assurances—or those ranchers need to have assurances that as we go along, and they see the true magnitude of what's happening, that they will be assisted in whatever ways they need to be assisted to maintain their cattle herds.

I had one rancher tell me the other day that they're putting them on the hay land and he has 400 cows—him and his brother—putting them on the hay land and in the fall, if they have to buy hay, they're going to sell the cows, and that ranch will be gone. So it's a fairly traumatic story that comes out of some of those areas out there.

I pretty well completed what I wanted to ask and I thank the minister and I thank you for the lead you are taking through this difficult time in the province. I—we do appreciate the job you've been doing and I'll turn it back over to the member from Lakeside.

Mr. Ashton: Well, I thank the member, and I actually just want to say that as we're dealing with

the flood situation this year—just a reminder of here in the province, you know, the way we do things, which is we all pull together.

And I certainly want to acknowledge the efforts of many MLAs who've been out there in their own communities. I know the member himself has been out there, and I can't say enough about how many people are just—you know, volunteers coming out, the military, you know, our provincial staff, municipal staff. So I appreciate the kind words from the member, but I, you know, I do want to say that there's a lot of people that have been, you know, showing some leadership on this issue.

You know, I'm always proud to be a Manitoban, but, right around now, I'm doubly proud, you know, of what I see taking place. You couldn't ask for a worse situation than a one-in-300-year flood on the Assiniboine, and yet people are showing real resolve in fighting back. And it's been very stressful for a lot of people, a lot of anxiety over the last period of time, but my sense is we're going to prevail on this. You know, we're—this is a pretty tough province when it comes to dealing with pretty well anything that's thrown our way.

And it's ironic, as I speak, in my area we don't have enough water, potentially could be seeing forest fires and very soon. So it seems like you, you know, you can't win for trying, right? Too much water in one part of the province, not in another, but, yes, we'll deal with that.

I really appreciate the member's comments, but I just want to put on the record that there's a lot of people out there that deserve a lot of credit and appreciate it.

Mr. Ralph Eichler (Lakeside): Just in keeping with the theme, I have a few questions that came as a result of the comments.

One is on the \$2,000 cap that was increased in 2009. Will the Province cover the extra cost over and above the \$200,000 cap?

Mr. Ashton: We put the \$200,000 cap in. We were—we raised that. I think, actually—it was interesting, I read in Québec that they've gone a hundred and fifty. And it's important to note that that—even in a part of '97, I think, it was the first time in a long time that I think the cap had been raised at that time ever—you know, it were—I was in opposition at the time. And our experience in 2009 is actually very few claims actually came up around that range, and I'm trying to recall if any actually hit the cap. But we did that

because we recognized that there could be some very significant costs in certain cases. But we certainly will be maintaining that \$200,000 cap.

And I did mention as well the—we significantly improved the cost-sharing formula for some of the hardest-hit municipalities, and we're going to see a real difference there. There are a number of municipalities that would have been paying significantly more under a—the straight 10 per cent share that was the case before. I just take the RM of Morris. How many more times do they have to be impacted by, you know, by flooding? Right? It's a ongoing occurrence, and so we've dealt with the municipal side as well, you know, to take some of the significant pressures off.

And, in fact, I was talking to a reeve yesterday, and even in the Interlake, much smaller municipality, the fact that we do cap this at \$5 per capita on the actual cost share, it's not just a rigid 10 per cent, making a big difference, because a lot of municipalities were really worried. First question was: How can we afford to do this? And we've really changed the—that element that, you know, with the municipalities to make sure that municipalities don't have to ask that question.

Mr. Eichler: When you start looking at programs to assist producers in moving cattle out of the area into another area, whether it be another province, and the amount of land that's going to be taken out of production as a result of the increased water levels on Lake Manitoba in particular, and the minister did make reference to those in the Interlake, there's literally hundreds of thousands of acres that are underwater that's not going to be usable for quite some time. So, when you look at the cost that's incurred by producers in that case, it could exceed \$200,000 very, very easily.

Mr. Ashton: I think it's important to note that we're talking about disaster financial assistance, and there's also the AgriRecovery side and agricultural supports, which are two very different things.

Now, having said that, I'd just point to the-what we had to do in the Interlake over the last number of years. Under the federal government's interpretation of disaster financial assistance, they will say if you have significant overland flooding, and it impacts on one industry, that it's not necessarily eligible for disaster financial assistance. So we had, in the Interlake, a number of years ago, where we had to

basically put in a stand-alone provincial program for, essentially, producers impacted by what happened, the moisture. And I keep saying that, again, there's been flooding in the Interlake for the last several years. So DFA is one thing and it has its limits, not necessarily by our choice, but by the federal government's interpretation of eligibility.

* (10:50)

So, when you're talking about any of the producers and many of the other issues they're dealing with, a lot of it will be under AgriRecovery. Just to summarize again what DFA deals with, DFA deals with damage to essential property. It doesn't include all property, but it does include restoration costs. It does include evacuation costs as well. When I say restoration costs, rutted fields were a big issue. The treatment of hay could be different. If it's hay in the field, it's considered agricultural, so not necessarily eligible. But, if it's been baled, it's been, you know, the member knows this from his area, it's a big concern, can be eligible. So DFA deals with non-insurable property.

And I don't know if the member's aware of this, and I'm not sure of the origins of this, but tornadoes are insurable and floods aren't. And that's one of the reasons, by the way, when we had the major tornado in Elie and across southern Manitoba a number of years ago, I think people were fairly surprised at the low level of DFA claims. Well, that was because a lot of it was covered by insurance.

So that's kind of the quick summary, but I want to stress that many of the things that I think the member's talking about really are AgriRecovery related. And I do want to indicate that, and he would know this, you know, former agricultural critic, but are-you know, we are already working. Our Minister of Agriculture (Mr. Struthers) is in constant contact with producer organizations, I think, on almost a daily basis through the department. And we've already had discussions with the federal government on the AgriRecovery side. Notwithstanding anything under DFA, clearly there are significant impacts on agriculture that we're going to see. It's just a question of where and in what form. And clearly one of the areas that we're going to see impacts is in terms of the livestock industry in certain areas. And a lot is just the straight function of where the livestock industry is located. The member knows this much better than I do. A lot of the land that it's been traditionally located in is very vulnerable to this kind of overall flood situation, whether it's around Shoal lakes, whether it's in around Lake Manitoba, you know, good-and normally it's very good land for cattle, in this year very problematic for existing operations.

So that's where DFA will cover some elements, but AgriRecovery is going to be a real key as well.

Mr. Eichler: I won't get into the debate, but I just think it'd be remiss if I didn't put on the record in regards to the AgriRecovery program, in particular for those cattle producers in Lake Manitoba area. It just doesn't work, and I know there's some major things that need to be taken into account there. So I know that the producers in those areas will definitely be impacted heavily financially just because of the flaws that's in the program.

Since 2003, most ranchers, the only year that they broke even or made a slight profit was 2005. So, when you have an AgriRecovery program and you have nothing for revenue, those just keep dropping, so your average is gone. So I know that—be aware that they'll be coming asking for some type of assistance, because there's just nothing left out there for them to try and collect on those programs. So they're flawed. I'm not saying it's the provincial's doing or—and I mean it has to be done with the federal government as well. So I know I'm going to be encouraging my federal colleagues to make sure that those programs get reviewed, because they're not going to do a bit of good this year.

Mr. Ashton: Yes, just a quick respond—I don't want to preclude to any special programs that the federal and provincial ministers may develop. And I think the member, being a former Ag critic, you know, knows some of the issues of the program certainly better than I would, you know, and I certainly know DFA and EMO side but the agricultural side—and I want to indicate, too, by the way, just very briefly, we all—we're also working on the immediate situation. There's been a lot of work done on immediate issues in terms of getting feed to cattle or cattle to feed. We've identified that as a significant concern, and I certainly know the member's raised some of the issues, you know, Shoal lakes being one example of it.

So there's also the short-term side, but I think the member was quite correct. There'll be, you know, ongoing discussions with the federal government. I appreciate this sounds like he's going to lobby his MP. And, you know, I don't mean it as a political shot. Just the reality is here there are going to be some significant impacts that agricultural programs

and disaster financial assistance programs don't necessarily cover. So, yes, I don't think we'll preclude any of those kind of discussions taking place. Bottom line is flood-affected areas, it's going to be a very difficult time for a lot of producers and we're going to do what we can to make a difference.

Mr. Eichler: I want to come back to some of the costs that we just talked about earlier. With the military here in Manitoba, who picks up that cost? Is that all absorbed by the federal government or is the Province on the hook for some of those costs to have the military presence to fight flood?

Mr. Ashton: You know what? I'll tell you the truth, when it comes to the floodfighting, we have not been asking about the cost element. My understanding is that essentially it's part of their mission. Generally speaking, there may be some elements that we're—you know, we may be picking up. We were just happy to get 1,500 troops mobilized within a matter of days, and they've made a huge difference. Without them, who knows what might have happened, especially on the Assiniboine dikes.

So, yes, there may be some elements. I can get a formal response on that, but, you know, I must admit that on this one, we've been worried about getting the job done first, and we'll figure out how to pay for it and who pays for it after.

I do want to acknowledge, though, by the way, not just the military but the broader sense, no matter what happens, we're anticipating that there will be significant cost-sharing from the federal government, and, quite apart from the normal kind of relationship we have with the federal government, we try and work with this government, any government.

You know, it really does strike me through a difficult time like this, you know, this is what Canada is all about. It, you know—and yes, we're the—we're on the end of having needed that support from our military, and it's very clear that that was—you know, they were glad to do it. I just met with Brigadier General Wynnyk this morning, and I just said to him, I have people coming up to me randomly on the street even, and one of the first things they say is, please thank the military. Thank them for coming when we needed them.

And it really does give you a sense, too, of, you know, as a country, we're going to have a significant

cost factor here. Will there be areas where we might have some discussion back and forth with the federal program? Yes. But, when you have a disaster financial assistance program, anything eligible under the DFA, it's a sliding scale, but we're well into the 90 per cent cost recovery from the federal government.

So, you know, like, I'm really proud to be a Manitoban, I'm really proud to be a Canadian, and when I talk about the last couple of weeks, what's really, I think, really struck me, and probably everybody, is just how many people across the country have been watching what's been happening here and how the rest of Canada is here for us, just as we have been, you know, Manitoba, we've been there for other provinces when they were needed.

So, yes, we'll, you know—I suppose accountants in government play a very important role, too. They'll be doing their work over the next period of time, I'm sure. I got to tell you one thing, in this flood recovery—flood response stage, we've had good co-operation from everyone in government. Everyone's understood what we've got to do, what needs to be done, and we'll deal with the financial issues afterwards.

You know what helps? We know it's a worthwhile investment. I mean, that billion dollars we invested in flood mitigation the last number of years, it's paid off in a major way in this flood. The \$70 million we put in before the flood has significantly reduced the kind of damage we've seen. I couldn't begin to imagine if we hadn't stepped up our preparation this year, what we might be seeing in the Assiniboine Valley right now.

And, of course, historically, I always talk about the floodway–God, we saw it again, 11 and a half feet different right here in Winnipeg, because of the floodway, Portage Diversion and the Shellmouth Dam, and we're into tens of billions of dollars of cost avoidance in terms of disaster, not just disaster claims, but damage to, you know, to people and the situation of people's lives, so it makes a difference.

Mr. Chairperson: Sorry, I have to interrupt these proceedings.

As previously agreed in the House, this section of the Committee of Supply would sit from 9:30 to 11 o'clock. The hour now being 11 o'clock, committee rise.

LEGISLATIVE ASSEMBLY OF MANITOBA

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