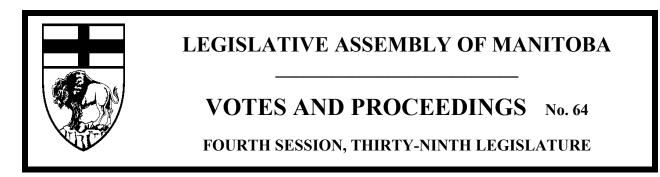
## Thursday, June 17, 2010



## PRAYER

## 10:00 O'CLOCK A.M.

The Clerk formally advised the Assembly that Mr. Speaker was unavoidably absent and called upon the Deputy Speaker to take the Chair pursuant to the Statutes. The Deputy Speaker took the Chair at 10:00 a.m.

By leave, it was agreed for the House to deal with the debate on Second Reading of Bill (No. 204).

The House resumed the Interrupted Debate on the Proposed Motion of Mrs. MITCHELSON:

THAT Bill (No. 204) – The Child and Family Services Amendment Act/Loi modifiant la Loi sur les services à l'enfant et à la famille, be now read a Second Time and be referred to a Committee of this House.

And the debate continuing,

And Messrs. REID, DEWAR and PEDERSEN, Hon. Ms. IRVIN-ROSS and Ms. BLADY having spoken,

The debate was, on motion of Hon. Mr. BLAIKIE, adjourned.

By leave, it was agreed for the House to deal with the Concurrence and Third Reading of Bills (No. 223) and (No. 227).

Hon. Mr. BLAIKIE moved:

THAT Bill (No. 223) – The Jon Sigurdsson Day Act/Loi sur le jour de Jon Sigurdsson, reported from the Standing Committee on Private Bills, be concurred in and be now read a Third Time and passed.

And Hon. Messrs. BLAIKIE and BJORNSON and Mrs. DRIEDGER having spoken,

And the Question being put. It was agreed to.

The Bill was accordingly concurred in, read a Third Time and passed.

Hon. Mr. BLAIKIE moved:

THAT Bill (No. 227) – The Employment Standards Code Amendment Act (Unpaid Leave Related to Donating an Organ)/Loi modifiant le Code des normes d'emploi (congé sans solde pour donneurs d'organes), as amended and reported from the Standing Committee on Legislative Affairs, be concurred in and be now read a Third Time and passed.

And a debate arising,

And Hon. Mr. BLAIKIE, Hon. Ms. ALLAN and Mrs. DRIEDGER having spoken,

And the Question being put. It was agreed to.

The Bill was accordingly concurred in, read a Third Time and passed.

By leave, Mr. DERKACH moved an amended version of his proposed resolution:

Resolution No. 18: Improving the Standing Committee on Public Accounts

WHEREAS the Standing Committee on Public Accounts (Public Accounts Committee) is responsible for examining the financial administration of public assets and the spending of public funds; and

WHEREAS the Public Accounts Committee plays a very important role protecting Manitoba taxpayers, ratepayers and citizens; and

WHEREAS there is merit in allowing the Chair and Vice-Chair of the Public Accounts Committee to set its agenda and call its own meetings independent of the Government House Leader; and

WHEREAS there are other process changes that could improve the effectiveness of the Committee, such as allowing the Public Accounts Committee to call expert witnesses to testify; and

WHEREAS the oversight and scrutiny function provided by the Public Accounts Committee could be improved for the benefit of all Manitobans if the protocols and processes associated with the Committee are updated.

THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba urge the Government House Leader to convene with the Opposition House Leader, and the Chair and Vice-Chair of the Public Accounts Committee to establish a working group to consider rule changes, with the goal of implementing appropriate protocols to improve the calling of meetings and the processes surrounding the Standing Committee on Public Accounts.

And a debate arising,

And Mr. DERKACH, Hon. Mr. BLAIKIE, Messrs. BOROTSIK and MARTINDALE and Mrs. STEFANSON having spoken,

And Hon. Mr. CHOMIAK speaking at 12:00 p.m. The debate was allowed to remain in his name.

## 1:30 O'CLOCK P.M.

The Clerk formally advised the Assembly that Mr. Speaker was unavoidably absent and called upon the Deputy Speaker to take the Chair pursuant to the Statutes. The Deputy Speaker took the Chair at 1:30 p.m.

The following petitions were presented and read:

Mr. SCHULER – Legislative Assembly of Manitoba to request that the Minister of Transportation consider the immediate installation of traffic signals at the intersection of PTH #15 and Highway #206 in Dugald and to recognize the value of the lives and well-being of the students and citizens of Manitoba. (D. Fjeldsted, L. Mozel, M. Mozel and others)

Mr. DERKACH – Legislative Assembly of Manitoba to request the Minister of Conservation to consider immediately placing the recent changes to the Onsite Wastewater Management System (OWMS) Regulation under The Environment Act on hold until such time that a review can take place to ensure that they are based on sound science and to consider implementing the prohibition on wastewater ejector systems on a case-by-case basis as determined by environmental need in ecologically sensitive areas and to consider offering financial incentives to help affected Manitoba property owners adapt to these regulatory changes. (C. Ireland, S. Bird, P. Bradshaw and others)

Mrs. DRIEDGER – Legislative Assembly of Manitoba to request that the Provincial Government consider immediately providing Revlimid as a choice to patients with Multiple Myeloma and their health care providers in Manitoba through public funding. (M. Witt, C. Irvine, J. Anderson and others)

Mr. REID, Chairperson of the Standing Committee on Social and Economic Development, presented its Third Report, which was read as follows:

## Meetings:

Your Committee met on Wednesday, June 16, 2010.

## Matters under Consideration

- Bill (No. 4) The Workplace Safety and Health Amendment Act/Loi modifiant la Loi sur la sécurité et l'hygiène du travail
- Bill (No. 6) The Manitoba Association of School Trustees Amendment Act/Loi modifiant la Loi sur l'Association des commissaires d'écoles du Manitoba

- Bill (No. 9) The Electricians' Licence Amendment Act/Loi modifiant la Loi sur le permis d'électricien
- Bill (No. 10) The Proceedings Against the Crown Amendment Act/Loi modifiant la Loi sur les procédures contre la Couronne
- Bill (No. 12) The Pimachiowin Aki World Heritage Fund Act/Loi sur le Fonds du patrimoine mondial Pimachiowin Aki
- Bill (No. 15) The Franchises Act/Loi sur les franchises
- Bill (No. 17) The Biofuels Amendment Act/Loi modifiant la Loi sur les biocarburants
- Bill (No. 18) The Communities Economic Development Fund Amendment Act/Loi modifiant la Loi sur le Fonds de développement économique local
- Bill (No. 24) The Aboriginal Languages Recognition Act/Loi sur la reconnaissance des langues autochtones
- Bill (No. 32) The Protection for Persons in Care Amendment Act/Loi modifiant la Loi sur la protection des personnes recevant des soins
- **Bill (No. 39)** The Child and Family Services Amendment Act (Children's Advocate Reporting)/Loi modifiant la Loi sur les services à l'enfant et à la famille (rapport du protecteur des enfants)
- Bill (No. 203) The Coat of Arms, Emblems and the Manitoba Tartan Amendment Act (Provincial Soil Designated)/Loi modifiant la Loi sur les armoiries, les emblèmes et le tartan du Manitoba (désignation du sol provincial)
- **Bill (No. 225)** The Public Health Amendment Act (Regulating Use of Tanning Equipment)/Loi modifiant la Loi sur la santé publique (réglementation de l'utilisation des appareils de bronzage)

# **Committee Membership**

- Hon. Mr. BJORNSON
- Ms. BLADY
- Mr. BOROTSIK
- Mr. CULLEN
- Mr. HAWRANIK
- Mr. Jha
- Mr. MAGUIRE
- Hon. Ms. OSWALD
- Mr. REID
- Hon. Mr. ROBINSON
- Mr. WIEBE

Your Committee elected Mr. REID as the Chairperson.

Your Committee elected Mr. WIEBE as the Vice-Chairperson.

Substitutions received during committee proceedings:

• Ms. BRAUN for Mr. JHA

## **Public Presentations**

Your Committee heard the following presentation on **Bill (No. 6)** – The Manitoba Association of School Trustees Amendment Act/Loi modifiant la Loi sur l'Association des commissaires d'écoles du Manitoba:

Robert Rivard

Manitoba School Boards Association

Your Committee heard the following three presentations on **Bill (No. 12)** – The Pimachiowin Aki World Heritage Fund Act/Loi sur le Fonds du patrimoine mondial Pimachiowin Aki:

Gaile Whelan-Enns	Manitoba Wildlands
Susanne McCrae	The Boreal Forest Network
Eric Reder	Wilderness Committee

Your Committee heard the following presentation on **Bill (No. 15)** – The Franchises Act/Loi sur les franchises:

Lorraine McLachlan & Andrew Ogaranko Canadian Franchise Association

Your Committee heard the following presentation on **Bill (No. 17)** – The Biofuels Amendment Act/Loi modifiant la Loi sur les biocarburants:

Gaile Whelan-Enns

Manitoba Wildlands

Your Committee heard the following presentation on **Bill (No. 24)** – The Aboriginal Languages Recognition Act/Loi sur la reconnaissance des langues autochtones:

Gaile Whelan-Enns

Manitoba Wildlands

Your Committee heard the following two presentations on **Bill (No. 225)** – The Public Health Amendment Act (Regulating Use of Tanning Equipment)/Loi modifiant la Loi sur la santé publique (réglementation de l'utilisation des appareils de bronzage):

Linda Venus	Canadian Cancer Society
Kelly Karam	Joint Canadian Tanning Association

## Written Submissions

Your Committee received the following written submission on **Bill (No. 12)** – The Pimachiowin Aki World Heritage Fund Act/Loi sur le Fonds du patrimoine mondial Pimachiowin Aki:

Alex Peters

Pimachiowin Aki Board of Directors

Your Committee received the following written submission on **Bill (No. 17)** – The Biofuels Amendment Act/Loi modifiant la Loi sur les biocarburants:

James R. Beddome

Green Party of Manitoba

Your Committee received the following written submission on **Bill (No. 24)** – The Aboriginal Languages Recognition Act/Loi sur la reconnaissance des langues autochtones:

Alon Weinberg

Green Party of Manitoba

## **Bills Considered and Reported**

• Bill (No. 4) – The Workplace Safety and Health Amendment Act/Loi modifiant la Loi sur la sécurité et l'hygiène du travail

Your Committee agreed to report this Bill without amendment.

• **Bill (No. 6)** – The Manitoba Association of School Trustees Amendment Act/Loi modifiant la Loi sur l'Association des commissaires d'écoles du Manitoba

Your Committee agreed to report this Bill without amendment.

• Bill (No. 9) - The Electricians' Licence Amendment Act/Loi modifiant la Loi sur le permis d'électricien

Your Committee agreed to report this Bill without amendment.

• Bill (No. 10) – The Proceedings Against the Crown Amendment Act/Loi modifiant la Loi sur les procédures contre la Couronne

Your Committee agreed to report this Bill without amendment.

• Bill (No. 12) – The Pimachiowin Aki World Heritage Fund Act/Loi sur le Fonds du patrimoine mondial Pimachiowin Aki

Your Committee agreed to report this Bill without amendment.

• **Bill (No. 15)** – The Franchises Act/Loi sur les franchises

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

THAT Clause 5(2)(b) of the Bill be amended by striking out "the prospective franchisee" and substituting "or on behalf of the prospective franchisee to the franchisor or franchisor's associate".

*THAT Clause* 5(8)(b) of the Bill be amended by striking out "the prospective franchisee" and substituting "or on behalf of the prospective franchisee to the franchisor or franchisor's associate".

*THAT Clause 5(14) of the Bill be replaced with the following:* 

## Interpretation — fully refundable deposit not included

**5(14)** For the purpose of clauses (2)(b) and (8)(b), the payment of any consideration relating to a franchise does not include the payment of a fully refundable deposit that

- (a) does not exceed the prescribed amount;
- (b) is refundable without any deductions; and

(c) is given under an agreement that in no way binds the prospective franchisee to enter into any franchise agreement.

• Bill (No. 17) – The Biofuels Amendment Act/Loi modifiant la Loi sur les biocarburants

Your Committee agreed to report this Bill without amendment.

• **Bill (No. 18)** – The Communities Economic Development Fund Amendment Act/Loi modifiant la Loi sur le Fonds de développement économique local

Your Committee agreed to report this Bill without amendment.

• Bill (No. 24) – The Aboriginal Languages Recognition Act/Loi sur la reconnaissance des langues autochtones

Your Committee agreed to report this Bill without amendment.

• Bill (No. 32) – The Protection for Persons in Care Amendment Act/Loi modifiant la Loi sur la protection des personnes recevant des soins

Your Committee agreed to report this Bill without amendment.

• **Bill (No. 39)** – The Child and Family Services Amendment Act (Children's Advocate Reporting)/Loi modifiant la Loi sur les services à l'enfant et à la famille (rapport du protecteur des enfants)

Your Committee agreed to report this Bill without amendment.

• Bill (No. 203) – The Coat of Arms, Emblems and the Manitoba Tartan Amendment Act (Provincial Soil Designated)/Loi modifiant la Loi sur les armoiries, les emblèmes et le tartan du Manitoba (désignation du sol provincial)

Your Committee agreed to report this Bill without amendment.

• **Bill (No. 225)** – The Public Health Amendment Act (Regulating Use of Tanning Equipment)/Loi modifiant la Loi sur la santé publique (réglementation de l'utilisation des appareils de bronzage)

Your Committee agreed to report this Bill without amendment.

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

Pursuant to Rule 26(1), Ms. SELBY, Messrs. MAGUIRE, SARAN, PEDERSEN and REID made Members' Statements.

Prior to Grievances, Mr. LAMOUREUX rose on a Matter of Urgent Public Importance and moved:

THAT in accordance with Rule 36(1), the ordinary business of the House be set aside to discuss a Matter of Urgent Public Importance, namely, the compromise to freedom of the press in Manitoba which has resulted in Mr. Hussain Gusti, a journalist from Thompson, Manitoba, being banned from attending the board meetings of the Burntwood Regional Health Authority.

And Mr. LAMOUREUX and Hon. Mr. BLAIKIE having spoken to the urgency of the motion,

WHEREUPON Madam Deputy Speaker ruled as follows:

I thank the Honourable Members for their advice to the Chair on whether the motion proposed by the Honourable Member for Inkster should be debated today. The notice required by Rule 36(1) was provided. Under our Rules and Practices, the subject matter requiring urgent consideration must be so pressing that the public interest will suffer if the matter is not given immediate attention. There must also be no other reasonable opportunities to raise the matter.

I have listened very carefully to the arguments put forward, however I was not persuaded that the ordinary business of the House should be set aside to deal with this issue today. Although this is an issue that some Members may have a concern about, I do not believe that the public interest will be harmed if the business of the House is not set aside to debate the motion today.

Additionally, I would like to note that other avenues exist for Members to raise this issue, including Question Period, Members' Statements and Grievances.

Therefore, with the greatest of respect, I must rule that this matter does not meet the criteria set by our Rules and Precedents and I rule the motion out of order as a Matter of Urgent Public Importance.

By leave, Mr. CULLEN moved:

THAT Bill (No. 203) – The Coat of Arms, Emblems and the Manitoba Tartan Amendment Act (Provincial Soil Designated)/Loi modifiant la Loi sur les armoiries, les emblèmes et le tartan du Manitoba (désignation du sol provincial), reported from the Standing Committee on Social and Economic Development, be concurred in and be now read a Third Time and passed.

And a debate arising,

And Mr. CULLEN, Hon. Mr. GERRARD and Mr. GRAYDON having spoken,

And the Question being put. It was agreed to.

The Bill was accordingly concurred in, read a Third Time and passed.

By leave, Ms. BRAUN moved:

THAT Bill (No. 225) – The Public Health Amendment Act (Regulating Use of Tanning Equipment)/Loi modifiant la Loi sur la santé publique (réglementation de l'utilisation des appareils de bronzage), reported from the Standing Committee on Social and Economic Development, be concurred in and be now read a Third Time and passed.

And Ms. BRAUN, Mrs. DRIEDGER, Mr. MAGUIRE and Hon. Mr. GERRARD having spoken,

And the Question being put. It was agreed to.

The Bill was accordingly concurred in, read a Third Time and passed.

By leave, Mr. LAMOUREUX was allowed to speak to Bill (No. 227) which received Concurrence and Third Reading earlier in the day.

By leave, Hon. Mr. BLAIKIE moved:

THAT Bill (No. 4) – The Workplace Safety and Health Amendment Act/Loi modifiant la Loi sur la sécurité et l'hygiène du travail, reported from the Standing Committee on Social and Economic Development, be concurred in and be now read a Third Time and passed.

And a debate arising,

And Hon. Mr. BLAIKIE and Messrs. DYCK and CULLEN having spoken,

And the Question being put. It was agreed to.

The Bill was accordingly concurred in, read a Third Time and passed.

By leave, Hon. Mr. BLAIKIE moved:

THAT Bill (No. 6) – The Manitoba Association of School Trustees Amendment Act/Loi modifiant la Loi sur l'Association des commissaires d'écoles du Manitoba, reported from the Standing Committee on Social and Economic Development, be concurred in and be now read a Third Time and passed.

And a debate arising,

And Hon. Mr. BLAIKIE and Messrs. CULLEN, FAURSCHOU and EICHLER having spoken,

And the Question being put. It was agreed to.

The Bill was accordingly concurred in, read a Third Time and passed.

By leave, Hon. Mr. BLAIKIE moved:

THAT Bill (No. 9) – The Electricians' Licence Amendment Act/Loi modifiant la Loi sur le permis d'électricien, reported from the Standing Committee on Social and Economic Development, be concurred in and be now read a Third Time and passed.

And Hon. Mr. BLAIKIE and Messrs. EICHLER, DYCK and FAURSCHOU having spoken,

In accordance with the Sessional Order agreed to by the House on December 14, 2009 the debate was interrupted to put the question on the concurrence motion.

Hon. Mr. BLAIKIE moved:

THAT this House concur in the report of the Committee of Supply respecting concurrence in all supply resolutions relating to the Estimates of Expenditure for the fiscal year ending March 31, 2011.

And the Question being put. It was agreed to, on division.

By leave, the House resumed the Interrupted Debate on the Proposed Motion of Hon. Ms. HOWARD:

THAT Bill (No. 9) – The Electricians' Licence Amendment Act/Loi modifiant la Loi sur le permis d'électricien, reported from the Standing Committee on Social and Economic Development, be concurred in and be now read a Third Time and passed.

And the debate continuing,

And Mr. LAMOUREUX having spoken,

And the Question being put. It was agreed to.

The Bill was accordingly concurred in, read a Third Time and passed.

By leave, Hon. Mr. BLAIKIE moved:

THAT Bill (No. 10) – The Proceedings Against the Crown Amendment Act/Loi modifiant la Loi sur les procédures contre la Couronne, reported from the Standing Committee on Social and Economic Development, be concurred in and be now read a Third Time and passed.

And a debate arising,

And Hon. Mr. BLAIKIE, Mr. BOROTSIK, Mr. Hon. GERRARD and Mr. FAURSCHOU having spoken,

And the Question being put. It was agreed to.

The Bill was accordingly concurred in, read a Third Time and passed.

By leave, Hon. Mr. CHOMIAK moved:

THAT Bill (No. 12) – The Pimachiowin Aki World Heritage Fund Act/Loi sur le Fonds du patrimoine mondial Pimachiowin Aki, reported from the Standing Committee on Social and Economic Development, be concurred in and be now read a Third Time and passed.

And a debate arising,

And Hon. Mr. CHOMIAK, Mr. MAGUIRE and Hon. Mr. GERRARD having spoken,

And the Question being put. It was agreed to.

The Bill was accordingly concurred in, read a Third Time and passed.

By leave, Hon. Mr. CHOMIAK moved:

THAT Bill (No. 15) – The Franchises Act/Loi sur les franchises, as amended and reported from the Standing Committee on Social and Economic Development, be concurred in and be now read a Third Time and passed.

And a debate arising,

And Hon. Mr. CHOMIAK and Mr. BOROTSIK having spoken,

And the Question being put. It was agreed to.

The Bill was accordingly concurred in, read a Third Time and passed.

By leave, Hon. Mr. CHOMIAK moved:

THAT Bill (No. 17) – The Biofuels Amendment Act/Loi modifiant la Loi sur les biocarburants, reported from the Standing Committee on Social and Economic Development, be concurred in and be now read a Third Time and passed.

And a debate arising,

And Hon. Mr. CHOMIAK and Mr. BOROTSIK having spoken,

And the Question being put. It was agreed to.

The Bill was accordingly concurred in, read a Third Time and passed.

By leave, Hon. Mr. CHOMIAK moved:

THAT Bill (No. 18) – The Communities Economic Development Fund Amendment Act/Loi modifiant la Loi sur le Fonds de développement économique local, reported from the Standing Committee on Social and Economic Development, be concurred in and be now read a Third Time and passed.

And Hon. Mr. CHOMIAK and Mrs. ROWAT having spoken,

And the Question being put. It was agreed to.

The Bill was accordingly concurred in, read a Third Time and passed.

By leave, Hon. Mr. CHOMIAK moved:

THAT Bill (No. 23) – The Public Schools Amendment Act/Loi modifiant la Loi sur les écoles publiques, reported from the Standing Committee on Legislative Affairs, be concurred in and be now read a Third Time and passed.

And a debate arising,

And Hon. Mr. CHOMIAK and Messrs. CULLEN and LAMOUREUX having spoken,

And the Question being put. It was agreed to.

The Bill was accordingly concurred in, read a Third Time and passed.

By leave, Hon. Mr. ROBINSON moved:

THAT Bill (No. 24) – The Aboriginal Languages Recognition Act/Loi sur la reconnaissance des langues autochtones, reported from the Standing Committee on Social and Economic Development, be concurred in and be now read a Third Time and passed.

And a debate arising,

And Hon. Mr. ROBINSON, Hon. Mr. GERRARD, Mr. MCFADYEN and Hon. Mr. SELINGER having spoken,

And the Question being put. It was agreed to, on the following division:

## YEA

Allan	LAMOUREUX
ALTEMEYER	Lemieux
ASHTON	MAGUIRE
BJORNSON	MARCELINO
BLADY	MARTINDALE
BLAIKIE	McFadyen
Borotsik	McGifford
BRAUN	Melnick
BRIESE	MITCHELSON
CALDWELL	NEVAKSHONOFF
Сноміак	Pedersen
Cullen	Reid
DERKACH	Robinson
DEWAR	Rondeau
Driedger	Rowat
DYCK	SARAN
EICHLER	SCHULER
FAURSCHOU	SELBY
Gerrard	SELINGER
GOERTZEN	STEFANSON
GRAYDON	STRUTHERS
HAWRANIK	SWAN
IRVIN-ROSS	TAILLIEU
JENNISSEN	WIEBE
JHA	Wowchuk51
Korzeniowski	

# NAY

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The Bill was accordingly concurred in, read a Third Time and passed.

Hon. Mr. BLAIKIE moved:

THAT Bill (No. 27) – The Upper Fort Garry Heritage Provincial Park Act/Loi sur le parc provincial du patrimoine d'Upper Fort Garry, reported from the Standing Committee on Justice, be concurred in and be now read a Third Time and passed.

And Hon. Mr. BLAIKIE, Mr. MAGUIRE and Hon. Mr. GERRARD having spoken,

And the Question being put. It was agreed to.

The Bill was accordingly concurred in, read a Third Time and passed.

By leave, Hon. Mr. BLAIKIE moved:

THAT Bill (No. 32) – The Protection for Persons in Care Amendment Act/Loi modifiant la Loi sur la protection des personnes recevant des soins, reported from the Standing Committee on Social and Economic Development, be concurred in and be now read a Third Time and passed.

And a debate arising,

And Hon. Mr. BLAIKIE, Mrs. DRIEDGER and Hon. Mr. GERRARD having spoken,

And the Question being put. It was agreed to.

The Bill was accordingly concurred in, read a Third Time and passed.

By leave, Hon. Mr. BLAIKIE moved:

THAT Bill (No. 36) – The Statutes Correction and Minor Amendments Act, 2010/Loi corrective de 2010, reported from the Standing Committee on Justice, be concurred in and be now read a Third Time and passed.

And a debate arising,

And Hon. Mr. BLAIKIE and Mr. GOERTZEN having spoken,

And the Question being put. It was agreed to.

The Bill was accordingly concurred in, read a Third Time and passed.

By leave, Hon. Mr. BLAIKIE moved:

THAT Bill (No. 39) – The Child and Family Services Amendment Act (Children's Advocate Reporting)/Loi modifiant la Loi sur les services à l'enfant et à la famille (rapport du protecteur des enfants), reported from the Standing Committee on Social and Economic Development, be concurred in and be now read a Third Time and passed.

And Hon. Mr. BLAIKIE, Mrs. MITCHELSON and Mr. LAMOUREUX having spoken,

And the Question being put. It was agreed to.

The Bill was accordingly concurred in, read a Third Time and passed.

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

THAT Bill (No. 29) – The Advanced Education Administration Act and Amendments to The Council on Post-Secondary Education Act and The Education Administration Act/Loi sur l'administration de l'enseignement postsecondaire et modifications concernant la Loi sur le Conseil de l'enseignement postsecondaire et la Loi sur l'administration scolaire, reported from the Standing Committee on Legislative Affairs, be concurred in and be now read a Third Time and passed.

And the Question being put. It was agreed to, on division:

The Bill was accordingly concurred in, read a Third Time and passed.

In accordance with the Sessional Order agreed to by the House on December 14, 2009, the Questions were put to conclude all stages for the passages of Bills (No. 31), (No. 37) and (No. 38).

The Order of the Day having been read for consideration of Report Stage Amendment of Bill (No. 31) – The Budget Implementation and Tax Statutes Amendment Act, 2010/Loi d'exécution du budget de 2010 et modifiant diverses dispositions législatives en matière de fiscalité, reported from the Standing Committee on Social and Economic Development:

Mrs. STEFANSON moved:

THAT Bill 31 be amended in Clause 1(3) in clause (a) of the definition "economic recovery period" in the proposed section 16.2 by striking out "March 31, 2014" and substituting "March 31, 2011".

And the Question being put on the amendment. It was negatived, on the following division:

#### YEA

Borotsik	GRAYDON
BRIESE	Hawranik
Cullen	LAMOUREUX
DERKACH	MAGUIRE
Driedger	McFadyen
DYCK	MITCHELSON
Eichler	Pedersen
FAURSCHOU	Rowat
Gerrard	STEFANSON
GOERTZEN	TAILLIEU20

Allan	MARCELINO
ALTEMEYER	MARTINDALE
ASHTON	McGifford
BLADY	Melnick
BLAIKIE	NEVAKSHONOFF
BJORNSON	Reid
BRAUN	Robinson
CALDWELL	Rondeau
Сноміак	SARAN
DEWAR	Selby
IRVIN-ROSS	Selinger
Jennissen	STRUTHERS
Јна	SWAN
Korzeniowski	WIEBE
Lemieux	Wowchuk
Mackintosh	

#### NAY

Mrs. STEFANSON then moved:

THAT Bill 31 be amended in Clause 1(3) by replacing the proposed section 16.3 with the following:

#### Application of balanced budget requirements during economic recovery period

**16.3** Subsection 2(1) and sections 4 to 7 do not apply to any fiscal year within the economic recovery period.

And the Question being put on the amendment. It was negatived, on division.

Mrs. STEFANSON then moved:

THAT Bill 31 be amended in Clause 1(3) by adding the following after the proposed subsection 16.4(2):

#### Disclosure of net debt added

**16.4(3)** For each fiscal year in the economic recovery period, the comptroller under *The Financial Administration Act* must prepare a statement, to be included in the public accounts under section 65 of that Act, that clearly identifies the net debt added to the province's general purpose debt for that year.

And the Question being put on the amendment. It was negatived, on division.

Mrs. STEFANSON then moved:

THAT Bill 31 be amended in Clause 2(2) in the proposed subsection 1(2.2)

(a) in the section heading, by striking out "20%" and substituting "40%"; and

(b) by striking out "80%" and substituting "60%".

And the Question being put on the amendment. It was negatived, on the following division:

## YEA

Borotsik	GRAYDON
BRIESE	Hawranik
Cullen	LAMOUREUX
Derkach	MAGUIRE
Driedger	MCFADYEN
Dyck	MITCHELSON
Eichler	Pedersen
FAURSCHOU	Rowat
Gerrard	STEFANSON
GOERTZEN	TAILLIEU20

NAY

Allan	MARCELINO
ALTEMEYER	MARTINDALE
ASHTON	McGifford
BLADY	Melnick
BLAIKIE	NEVAKSHONOFF
BJORNSON	Reid
BRAUN	ROBINSON
CALDWELL	Rondeau
Сноміак	SARAN
DEWAR	Selby
IRVIN-ROSS	SELINGER
JENNISSEN	STRUTHERS
JHA	SWAN
Korzeniowski	WIEBE
LEMIEUX	WOWCHUK
Mackintosh	

Mrs. STEFANSON then moved:

THAT Bill 31 be amended by striking out Part 3.

And the Question being put on the amendment. It was negatived, on division.

Hon. Mr. GERRARD then moved:

THAT Bill 31 be amended in Clause 76(10) by striking out "January 1, 1992" and substituting "April 29, 2010".

And the Question being put on the amendment. It was negatived, on division.

Hon. Mr. BLAIKIE moved:

THAT Bill (No. 31) – The Budget Implementation and Tax Statutes Amendment Act, 2010/Loi d'exécution du budget de 2010 et modifiant diverses dispositions législatives en matière de fiscalité, reported from the Standing Committee on Legislative Affairs, be concurred in and be now read a Third Time and passed.

And the Question being put. It was agreed to, on the following division:

ALLAN	Mackintosh
ALTEMEYER	MARCELINO
ASHTON	MARTINDALE
BLADY	McGifford
BLAIKIE	Melnick
BJORNSON	NEVAKSHONOFF
BRAUN	Reid
CALDWELL	Robinson
Сноміак	Rondeau
DEWAR	SARAN
IRVIN-ROSS	Selby
JENNISSEN	Selinger
ЈНА	STRUTHERS
Korzeniowski	SWAN
LEMIEUX	WIEBE

YEA

BRIESEHAWRANIKCULLENLAMOUREUXDERKACHMAGUIREDRIEDGERMCFADYENDYCKMITCHELSONEICHLERPEDERSENFAURSCHOUROWATGERRARDSTEFANSONGOERTZENTAILLIEU	Borotsik	GRAYDON
DERKACHMAGUIREDRIEDGERMCFADYENDYCKMITCHELSONEICHLERPEDERSENFAURSCHOUROWATGERRARDSTEFANSON	Briese	Hawranik
DRIEDGERMCFADYENDYCKMITCHELSONEICHLERPEDERSENFAURSCHOUROWATGERRARDSTEFANSON	Cullen	LAMOUREUX
DyckMitchelsonEichlerPedersenFaurschouRowatGerrardStefanson	DERKACH	MAGUIRE
EICHLERPEDERSENFAURSCHOUROWATGERRARDSTEFANSON	Driedger	McFadyen
FAURSCHOUROWATGERRARDSTEFANSON	Dyck	MITCHELSON
GERRARD STEFANSON	Eichler	Pedersen
	Faurschou	Rowat
GOERTZEN TAILLIEU	Gerrard	STEFANSON
	GOERTZEN	TAILLIEU20

NAY

The Bill was accordingly concurred in, read a Third Time and passed.

Immediately following the vote, Mr. HAWRANIK rose on a point of order regarding that the Minister for Finance did not stand up and that her vote should count against the motion.

WHEREUPON Madam Deputy Speaker ruled that there was a point of order and that the Minister of Finance's vote would not be counted.

Subsequently, following the vote, Mr. HAWRANIK rose on a point of order and reiterated that the Minister for Finance did not stand up and that her vote should count against the motion.

And Hon. Mr. BLAIKIE, Mr. DERKACH, Hon. Ms. WOWCHUK, Mr. HAWRANIK and Hon. Mr. CHOMIAK having spoken to the point of order,

WHEREUPON Madam Deputy Speaker ruled that a Member cannot be forced to vote against their conscience and that the vote had already been recorded.

From her decision, Mr. HAWRANIK appealed to the House,

And the Question being put, "Shall the ruling of the Chair be sustained?" It was agreed to, on the following division:

Allan	MARCELINO
Altemeyer	MARTINDALE
ASHTON	McGifford
BLADY	Melnick
BLAIKIE	NEVAKSHONOFF
BJORNSON	Reid
BRAUN	Robinson
CALDWELL	Rondeau
Сноміак	SARAN
DEWAR	Selby
IRVIN-ROSS	Selinger
Jennissen	STRUTHERS
Јна	SWAN
Korzeniowski	WIEBE
Lemieux	WOWCHUK
MACKINTOSH	

## YEA

#### NAY

Borotsik	HAWRANIK
BRIESE	MAGUIRE
Cullen	McFadyen
Derkach	MITCHELSON
Driedger	PEDERSEN
EICHLER	Rowat
FAURSCHOU	STEFANSON
GOERTZEN	TAILLIEU17
GRAYDON	

Subsequently, following the challenge to Madam Deputy Speaker's ruling, Mr. HAWRANIK rose on a point of order regarding the need for the Deputy Speaker to enforce the Rules and traditions of the House as they pertain to recorded votes.

And Hon. Mr. BLAIKIE and Mr. FAURSCHOU having spoken to the point of order,

WHEREUPON Madam Deputy Speaker made the following ruling:

As all Honourable Members are aware, the House has been at impasse for the past several hours, with numerous points of order raised as well as an extended recess.

I would like to clarify for the House that part of the difficulty with the issue that has arisen is due to the fact that there is no explicit mention in the rules of what must be done if a Member does not vote while seated in his or her seat and is not paired. Rule 14(7) obligates those Members who are in their seats must vote but does not state what should happen if a Member is not in compliance with the rule.

The actions that the Chair has taken this evening were based on a comparable precedent from November 7, 2005, where the Honourable Member for River Heights was in his seat at the time of a division on an amendment to the Throne Speech but did not vote. The Honourable Member for River Heights rose on a point of order indicating that when the vote was being conducted, he had been distracted, and that had he voted, he would have voted against the amendment. Speaker Hickes ruled there was no point of order. The then Honourable Member for Ste. Rose rose on a point of order and apologized to the House for distracting the Member for River Heights.

Speaker Hickes ruled in response to this second point of order that the Member for River Heights had clearly indicated that had the Member for River Heights voted it would have been a nay, and that in order for the vote to count, unanimous consent of the House was required. A request for unanimous consent was put to the House, and unanimous consent of the House was not given, so the vote of the Honourable Member for River Heights was not counted at all.

Some Members have raised the issue of receiving advice from the former clerk of the House that if a Member is in his or her seat and misses the opportunity to vote during the division, then the vote must automatically be counted the opposite way. I had opportunity to consult the former Clerk this evening, and he indicates that he does not recall any conversation where he had given such advice to a Member. His current opinion is that a Member who is present and in his or her seat must vote, but there is no basis to support or conclude that the vote must in a situation like this be automatically cast in the opposite direction. He also advised that in a case such as we have seen tonight, the Member has missed the opportunity to vote, the vote is over, and the business then proceeds.

I can appreciate that this is an issue that Members have serious concerns about, as we have seen from the points of order that have been raised. I would also note for the House that the chair has been lenient in allowing points of order on this issue, as according to the Sessional Order that is in effect, points of order are not permitted to be raised at this time. I have allowed points of order given the seriousness of the issue for Members.

Tonight we have seen various solutions tried, such as leave for the Member to vote, and leave for the entire vote to be held again, and in both cases, leave was denied. We have also had points of order raised in response to Rulings of the Chair, which is also not procedurally correct, because if the House disagrees with a ruling, it should challenge the ruling on the basis of a voice and a recorded vote, and not continue to raise points of order after a vote has been held on whether or not to sustain the ruling.

Based on the November 7, 2005 precedent from Speaker Hickes regarding the Member for River Heights, given that unanimous consent has been denied, the vote of the Honourable Minister of Finance will not be counted at all, because the House has denied leave for the vote to count. I suggest we now deal with the Business of the House in accordance with the provisions of the Sessional Order, but I do make a strong recommendation that the House and the House leaders have discussions about possible rule changes regarding Rule 14(7), so that it can be clearly identified in the rules what is to happen should a comparable situation arise in the future.

From her decision, Mr. HAWRANIK appealed to the House,

And the Question being put, "Shall the ruling of the Chair be sustained?" It was agreed to, on the following division:

#### YEA

Allan	Marcelino
ALTEMEYER	MARTINDALE
ASHTON	McGifford
BLADY	Melnick
BLAIKIE	NEVAKSHONOFF
BJORNSON	Reid
BRAUN	Robinson
CALDWELL	Rondeau
Сноміак	SARAN
DEWAR	SELBY
IRVIN-ROSS	Selinger
Jennissen	STRUTHERS
Јна	SWAN
Korzeniowski	WIEBE
Lemieux	Wowchuk
MACKINTOSH	

#### NAY

Hon. Ms. WOWCHUK moved:

THAT there be granted out of the Consolidated Fund for Capital purposes, the sum of ONE BILLION, FIVE HUNDRED EIGHTY-SEVEN MILLION, SEVEN HUNDRED SIXTY-EIGHT THOUSAND Dollars (\$1,587,768,000) for the fiscal year ending March 31, 2011.

And the Question being put. It was agreed to, on division.

Hon. Ms. WOWCHUK moved:

THAT there be granted to Her Majesty for the Public Service of the Province for the Fiscal Year ending March 31, 2011, out of the Consolidated Fund, the sum of TEN BILLION, FIVE HUNDRED THIRTY-SIX MILLION, FIVE HUNDRED SIXTY-FIVE THOUSAND dollars (\$10,536,565,000), as set out in Part A (Operating Expenditure) and SEVEN HUNDRED NINETY-SEVEN MILLION, ONE HUNDRED NINETY-SIX THOUSAND dollars (\$797,196,000), as set out in Part B (Capital Investment) of the estimates.

And the Question being put. It was agreed to, on division.

Hon. Ms. WOWCHUK moved:

THAT Bill (No. 37) – The Appropriation Act, 2010/Loi de 2010 portant affectation de crédits, be now read a First Time and ordered for Second Reading immediately.

And the Question being put. It was agreed to, on division.

Hon. Ms. WOWCHUK moved:

THAT Bill (No. 37) – The Appropriation Act, 2010/Loi de 2010 portant affectation de crédits, be now read a Second Time, and be referred to Committee of the Whole.

And the Question being put. It was agreed to, on division.

Hon. Ms. WOWCHUK moved:

THAT Bill (No. 38) – The Loan Act, 2010/Loi d'emprunt de 2010, be now read a First Time and ordered for Second Reading immediately.

And the Question being put. It was agreed to, on division.

Hon. Ms. WOWCHUK moved:

THAT Bill (No. 38) – The Loan Act, 2010/Loi d'emprunt de 2010, be now read a Second Time, and be referred to Committee of the Whole.

And the Question being put. It was agreed to, on the following division:

## YEA

Allan	MARCELINO
ALTEMEYER	MARTINDALE
BLADY	McGifford
BLAIKIE	Melnick
BJORNSON	NEVAKSHONOFF
BRAUN	Reid
CALDWELL	Robinson
Сноміак	Rondeau
DEWAR	SARAN
IRVIN-ROSS	Selby
Jennissen	Selinger
ЈНА	STRUTHERS
Korzeniowski	SWAN
Lemieux	WIEBE
Mackintosh	WOWCHUK

# NAY

Borotsik	HAWRANIK
BRIESE	LAMOUREUX
Cullen	MAGUIRE
DERKACH	McFadyen
Driedger	MITCHELSON
EICHLER	PEDERSEN
FAURSCHOU	Rowat
GOERTZEN	STEFANSON
GRAYDON	TAILLIEU18

The Bill was accordingly read a Second Time and referred to a Committee of this House.

The House resolving into Committee of the Whole.

Bill (No. 37) – The Appropriation Act, 2010/Loi de 2010 portant affectation de crédits, was considered in Committee of the Whole and reported without amendment, on division.

Bill (No. 38) – The Loan Act, 2010/Loi d'emprunt de 2010, was considered in Committee of the Whole and reported without amendment, on division.

Hon. Mr. BLAIKIE moved:

THAT Bill (No. 38) – The Loan Act, 2010/Loi d'emprunt de 2010, reported from the Committee of the Whole, be concurred in and be now read a Third Time and passed.

And the Question being put. It was agreed to, on the following division:

#### YEA

Allan	Marcelino
ALTEMEYER	MARTINDALE
ASHTON	McGifford
BLADY	Melnick
BLAIKIE	NEVAKSHONOFF
BJORNSON	Reid
BRAUN	Robinson
CALDWELL	Rondeau
Сноміак	SARAN
DEWAR	SELBY
IRVIN-ROSS	Selinger
Jennissen	STRUTHERS
ЈНА	SWAN
Korzeniowski	WIEBE
Lemieux	WOWCHUK
MACKINTOSH	

## NAY

Borotsik	HAWRANIK
BRIESE	LAMOUREUX
Cullen	MAGUIRE
DERKACH	McFadyen
Driedger	MITCHELSON
EICHLER	PEDERSEN
Faurschou	Rowat
Gerrard	STEFANSON
GOERTZEN	TAILLIEU19
GRAYDON	

The Bill was accordingly concurred in, read a Third Time and passed.

Hon. Mr. BLAIKIE moved:

THAT Bill (No. 37) – The Appropriation Act, 2010/Loi de 2010 portant affectation de crédits, reported from Committee of the Whole, be concurred in and be now read for a Third Time and passed.

And the Question being put. It was agreed to, on division.

The Bill was accordingly concurred in, read a Third Time and passed.

His Honour, Philip LEE, Lieutenant Governor of the Province of Manitoba, having entered the House at 10:31 p.m., and being seated on the Throne:

Madam Deputy Speaker addressed His Honour in the following words:

Your Honour:

At this sitting, the Legislative Assembly has passed certain Bills that I ask Your Honour to give assent to.

(No. 3) – The City of Winnipeg Charter Amendment and Municipal Amendment Act (Derelict Property)/Loi modifiant la Charte de la ville de Winnipeg et la Loi sur les municipalités (biens abandonnés)

(No. 4) – The Workplace Safety and Health Amendment Act/Loi modifiant la Loi sur la sécurité et l'hygiène du travail

(No. 5) – The Cottage Property Tax Increase Deferral Act (Property Tax and Insulation Assistance Act Amended)/Loi sur le report des majorations de taxes foncières visant les chalets (modification de la Loi sur l'aide en matière de taxes foncières et d'isolation thermique des résidences)

(No. 6) – The Manitoba Association of School Trustees Amendment Act/Loi modifiant la Loi sur l'Association des commissaires d'écoles du Manitoba

(No. 7) – The Highway Traffic Amendment Act (Suspending Drivers' Licences of Drug Traffickers)/Loi modifiant le Code de la route (suspension de permis de conduire en cas d'infractions se rapportant au trafic de drogues)

(No. 8) – The Highway Traffic Amendment Act (Safety Precautions to Be Taken When Approaching Tow Trucks and Other Designated Vehicles)/Loi modifiant le Code de la route (précautions que doivent prendre les conducteurs qui s'approchent de dépanneuses ou d'autres véhicules désignés)

(No. 9) – The Electricians' Licence Amendment Act/Loi modifiant la Loi sur le permis d'électricien

(No. 10) – The Proceedings Against the Crown Amendment Act/Loi modifiant la Loi sur les procédures contre la Couronne

(No. 12) – The Pimachiowin Aki World Heritage Fund Act/Loi sur le Fonds du patrimoine mondial Pimachiowin Aki

(No. 13) – The Civil Remedies Against Organized Crime Amendment Act/Loi modifiant la Loi sur les recours civils contre le crime organisé

(No. 14) – The Body Armour and Fortified Vehicle Control Act/Loi sur le contrôle des gilets de protection balistique et des véhicules blindés

(No. 15) – The Franchises Act/Loi sur les franchises

(No. 16) - The Order of Manitoba Amendment Act/Loi modifiant la Loi sur l'Ordre du Manitoba

(No. 17) – The Biofuels Amendment Act/Loi modifiant la Loi sur les biocarburants

(No. 18) – The Communities Economic Development Fund Amendment Act/Loi modifiant la Loi sur le Fonds de développement économique local

(No. 19) – The Protection from Domestic Violence and Best Interests of Children Act (Family Law Statutes Amended)/Loi sur la protection contre la violence familiale et l'intérêt supérieur des enfants (modification de dispositions législatives concernant le droit de la famille)

(No. 20) – The University College of the North Amendment Act/Loi modifiant la Loi sur le Collège universitaire du Nord

(No. 21) – The Highway Traffic Amendment Act (Immobilizers and Air Bags)/Loi modifiant le Code de la route (dispositifs d'immobilisation et sacs gonflables)

(No. 22) – The Credit Unions and Caisses Populaires Amendment Act/Loi modifiant la Loi sur les caisses populaires et les credit unions

(No. 23) – The Public Schools Amendment Act/Loi modifiant la Loi sur les écoles publiques

(No. 24) - The Aboriginal Languages Recognition Act/Loi sur la reconnaissance des langues autochtones

(No. 25) – The Manitoba Evidence Amendment Act (Scheduling of Criminal Organizations)/Loi modifiant la Loi sur la preuve au Manitoba (établissement d'une liste d'organisations criminelles)

(No. 26) – The Addictions Foundation Amendment Act/Loi modifiant la Loi sur la Fondation manitobaine de lutte contre les dépendances

(No. 27) – The Upper Fort Garry Heritage Provincial Park Act/Loi sur le parc provincial du patrimoine d'Upper Fort Garry

(No. 28) – The Drivers and Vehicles Amendment Act/Loi modifiant la Loi sur les conducteurs et les véhicules

(No. 29) – The Advanced Education Administration Act and Amendments to The Council on Post-Secondary Education Act and The Education Administration Act/Loi sur l'administration de l'enseignement postsecondaire et modifications concernant la Loi sur le Conseil de l'enseignement postsecondaire et la Loi sur l'administration scolaire

(No. 30) – The Strengthened Enforcement of Family Support Payments and Miscellaneous Amendments Act (Various Acts Amended)/Loi sur le renforcement des mesures d'exécution relatives aux paiements de pension alimentaire familiale et modifications diverses (modification de diverses dispositions législatives)

(No. 31) – The Budget Implementation and Tax Statutes Amendment Act, 2010/Loi d'exécution du budget de 2010 et modifiant diverses dispositions législatives en matière de fiscalité

(No. 32) – The Protection for Persons in Care Amendment Act/Loi modifiant la Loi sur la protection des personnes recevant des soins

(No. 34) – The Consumer Protection Amendment Act (Negative Option Marketing and Enhanced Remedies)/Loi modifiant la Loi sur la protection du consommateur (commercialisation par abonnement par défaut et amélioration des recours)

(No. 35) – The Condominium Amendment Act (Phased Condominium Development)/Loi modifiant la Loi sur les condominiums (aménagement par phases)

(No. 36) - The Statutes Correction and Minor Amendments Act, 2010/Loi corrective de 2010

(No. 39) – The Child and Family Services Amendment Act (Children's Advocate Reporting)/Loi modifiant la Loi sur les services à l'enfant et à la famille (rapport du protecteur des enfants)

(No. 203) – The Coat of Arms, Emblems and the Manitoba Tartan Amendment Act (Provincial Soil Designated)/Loi modifiant la Loi sur les armoiries, les emblèmes et le tartan du Manitoba (désignation du sol provincial)

(No. 223) – The Jon Sigurdsson Day Act/Loi sur le jour de Jon Sigurdsson

(No. 225) – The Public Health Amendment Act (Regulating Use of Tanning Equipment)/Loi modifiant la Loi sur la santé publique (réglementation de l'utilisation des appareils de bronzage)

(No. 227) – The Employment Standards Code Amendment Act (Unpaid Leave Related to Donating an Organ)/Loi modifiant le Code des normes d'emploi (congé sans solde pour donneurs d'organes)

(No. 300) – An Act to amend An Act to incorporate The Portage District General Hospital Foundation/Loi modifiant la Loi constituant en corporation la Fondation de l'Hôpital général du district Portage

(No. 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

(No. 302) – The Southwood Golf and Country Club Incorporation Amendment Act/Loi modifiant la Loi constituant en corporation le « Southwood Golf and Country Club »

To these Bills the Royal Assent was announced by the Clerk of the Legislative Assembly as follows:

"In Her Majesty's name, His Honour assents to these Bills."

\* \* \*

Madam Deputy Speaker addressed His Honour in the following words:

Your Honour:

The Legislative Assembly of Manitoba asks Your Honour to accept the following Bills:

(No. 37) - The Appropriation Act, 2010/Loi de 2010 portant affectation de crédits

(No. 38) - The Loan Act, 2010/Loi d'emprunt de 2010

To these Bills the Royal Assent was announced by the Clerk of the Legislative Assembly in the following words:

"In Her Majesty's name, the Lieutenant Governor thanks the Legislative Assembly, and assents to these Bills".

At 10:43 p.m., His Honour was then pleased to retire.

The House then adjourned at 10:47 p.m., Thursday, June 17, 2010.

Marilyn BRICK, Deputy Speaker.