



## LEGISLATIVE ASSEMBLY OF MANITOBA

### VOTES AND PROCEEDINGS No. 52

#### SECOND SESSION, THIRTY-EIGHTH LEGISLATURE

#### PRAYERS

10:00 O'CLOCK A.M.

By leave, Mr. REID, Chairperson of the Standing Committee on Legislative Affairs, presented its Fifth Report, which was read as follows:

#### Meetings:

Your Committee met on Monday, June 7, 2004 at 6:30 p.m. in Room 255 of the Legislative Building.

#### Matters under Consideration:

- **Bill (No. 19)** – The Public Schools Amendment Act/Loi modifiant la Loi sur les écoles publiques
- **Bill (No. 25)** – The Amusements Amendment Act/Loi modifiant la Loi sur les divertissements
- **Bill (No. 27)** – The Agricultural Societies Act/Loi sur les sociétés agricoles
- **Bill (No. 30)** – The Safe Schools Charter (Various Acts Amended)/Charte de la sécurité dans les écoles (modification de diverses dispositions législatives)
- **Bill (No. 32)** – The Provincial Railways Amendment Act/Loi modifiant la Loi sur les chemins de fer provinciaux
- **Bill (No. 36)** – The Highway Traffic Amendment Act/Loi modifiant le Code de la route
- **Bill (No. 37)** – The Labour Relations Amendment Act/Loi modifiant la Loi sur les relations du travail

#### Committee Membership:

Substitutions received prior to commencement of meeting:

- Hon. Ms. WOWCHUK for Mr. NEVAKSHONOFF
- Hon. Mr. BJORNSON for Hon. Mr. SELINGER
- Mrs. TAILLIEU for Mr. FAURSCHOU

Substitutions made, by leave, during committee proceedings:

- Hon. Ms. ALLAN for Hon. Ms. WOWCHUK
- Mr. SCHULER for Mr. CUMMINGS



- **Bill (No. 27)** – The Agricultural Societies Act/Loi sur les sociétés agricoles

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

*THAT Clause 7 of the Bill be amended*

*(a) by renumbering it as Clause 7(1);*

*(b) by striking out “100” and substituting “50”; and*

*(c) by adding the following as Clause 7(2)*

**Minister’s approval for headquarters within 50 km**

7(2) Despite subsection (1), the minister may, on request from the persons who wish to organize a society, permit the society’s headquarters to be closer than 50 km to the headquarters of another society

*THAT Clause 33(2) of the Bill be amended by striking out “classes of societies” and substituting “associations”.*

- **Bill (No. 30)** – The Safe Schools Charter (Various Acts Amended)/Charte de la sécurité dans les écoles (modification de diverses dispositions législatives)

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

*THAT the proposed subclause 47.1(2)(b)(ii), as set out in Clause 1(3) of the Bill, be amended by adding “unreasonably” after “discriminating”.*

- **Bill (No. 32)** – The Provincial Railways Amendment Act/Loi modifiant la Loi sur les chemins de fer provinciaux

Your Committee agreed to report this Bill without amendment.

- **Bill (No. 36)** – The Highway Traffic Amendment Act/Loi modifiant le Code de la route

Your Committee agreed to report this Bill without amendment.

- **Bill (No. 37)** – The Labour Relations Amendment Act/Loi modifiant la Loi sur les relations du travail

Your Committee agreed to report this Bill without amendment, on a counted vote of yeas 6, nays 4.

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

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By leave, Ms. BRICK, Chairperson of the Standing Committee on Social and Economic Development, presented its Fourth Report, which was read as follows:

**Meetings:**

Your Committee met on Monday, June 7, 2004 at 6:30 p.m. in Room 254 of the Legislative Building.

**Matters Under Consideration:**

- **Bill (No. 10)** – The Gaming Control Amendment Act/Loi modifiant la Loi sur la Commission de régie du jeu
- **Bill (No. 23)** – The Red River Floodway Act/Loi sur le canal de dérivation de la rivière Rouge
- **Bill (No. 31)** – The Floodway Authority Act/Loi sur la Commission du canal de dérivation
- **Bill (No. 33)** – The Public Servants Insurance Amendment Act/Loi modifiant la Loi sur l'assurance des employés du gouvernement
- **Bill (No. 34)** – The University of Winnipeg Amendment Act/Loi modifiant la Loi sur l'Université de Winnipeg
- **Bill (No. 35)** – The Credit Unions and Caisses Populaires Amendment Act/Loi modifiant la Loi sur les caisses populaires et les credit unions
- **Bill (No. 38)** – The Fisheries Amendment Act/Loi modifiant la Loi sur la pêche

**Membership Resignations / Elections:**

Substitutions received prior to commencement of meeting:

- Mrs. MITCHELSON for Mrs. DRIEDGER
- Mr. GOERTZEN for Mr. LOEWEN
- Mr. FAURSCHOU for Mrs. ROWAT
- Hon. Mr. SALE for Hon. Mr. RONDEAU
- Hon. Mr. ASHTON for Mr. SANTOS
- Hon. Ms. MCGIFFORD for Mr. SCHELLENBERG
- Hon. Mr. SELINGER for Hon. Mr. STRUTHERS

**Public Presentations:**

Your Committee heard 1 presentation on Bill (No. 10) – The Gaming Control Amendment Act/Loi modifiant la Loi sur la Commission de régie du jeu, from the following organization:

Elizabeth Fleming and Valinda Morris                      Provincial Council of Women of Manitoba

Your Committee heard 8 presentations on Bill (No. 23) – The Red River Floodway Act/Loi sur le canal de dérivation de la rivière Rouge, from the following individuals and/or organizations:

Dr. James Shapiro	Private Citizen
Jack Jonasson	Coalition for Flood Protection North of the Floodway
Jim Stinson	Private Citizen
Robert Duerksen	768 Association Inc.
Ian Wishart	Keystone Agricultural Producers
Maxine Clifton	Private Citizen
Paul Clifton	Private Citizen
Doug Chorney	Private Citizen

**Written Submissions:**

Your Committee received 1 written submission for Bill (No. 23) – The Red River Floodway Act/Loi sur le canal de dérivation de la rivière Rouge, from the following individual:

Gerry Bristow	Private Citizen
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Your Committee received 1 written submission for Bill (No. 35) – The Credit Unions and Caisses Populaires Amendment Act/Loi modifiant la Loi sur les caisses populaires et les credit unions, from the following organization:

Bob Lafond	Credit Union Central of Manitoba
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**Bills Considered and Reported:**

- **Bill (No. 10)** – The Gaming Control Amendment Act/Loi modifiant la Loi sur la Commission de régie du jeu

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

*THAT the proposed clause 57.5, as set out in Clause 24 of the Bill, be amended by striking out "or" at the end of clause (b), adding "or" at the end of clause (c) and adding the following after clause (c):*

(d) rescinding an order in council that specifies a licensing authority.

*THAT the proposed clause 66.1, as set out in Clause 27 of the Bill, be amended*

*(a) in the section heading, by adding "decisions and" before "orders"; and*

*(b) in the part before clause (a), by striking out "An order" and substituting "A decision or order".*

- **Bill (No. 23)** – The Red River Floodway Act/Loi sur le canal de dérivation de la rivière Rouge

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

*THAT Clause 5(2) of the Bill be replaced with the following:*

**Appeal to Court of Appeal**

**5(2)** A decision of the Disaster Assistance Appeal Board under subsection (1) may be appealed upon a question of law to The Court of Appeal with leave granted by a judge of that court.

**Application for leave to appeal**

**5(3)** An application for leave to appeal must

(a) state the grounds of the appeal; and

(b) be made within 30 days after the date of the decision sought to be appealed, or within such further time as the judge under special circumstances allows.

Notice of the application must be served on the government in accordance with section 11 of *The Proceedings Against the Crown Act*.

- **Bill (No. 31)** – The Floodway Authority Act/Loi sur la Commission du canal de dérivation

Your Committee agreed to report this Bill without amendment.

- **Bill (No. 33)** – The Public Servants Insurance Amendment Act/Loi modifiant la Loi sur l'assurance des employés du gouvernement

Your Committee agreed to report this Bill without amendment.

- **Bill (No. 34)** – The University of Winnipeg Amendment Act/Loi modifiant la Loi sur l'Université de Winnipeg

Your Committee agreed to report this Bill without amendment.

- **Bill (No. 35)** – The Credit Unions and Caisses Populaires Amendment Act/Loi modifiant la Loi sur les caisses populaires et les credit unions

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

*THAT Clause 3(2)(b) of the Bill be replaced with the following:*

*(b) by striking out “French-speaking residents of Manitoba” and substituting “French-speaking individuals who, except as otherwise permitted by this Act, are resident in Manitoba.”*

- **Bill (No. 38)** – The Fisheries Amendment Act/Loi modifiant la Loi sur la pêche

Your Committee agreed to report this Bill without amendment.

On motion of Ms. BRICK, the Report of the Committee was received.

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Hon. Mr. MACKINTOSH moved:

THAT Bill (No. 19) – 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 for a Third Time and passed.

And a debate arising,

And Hon. Mr. MACKINTOSH, Mrs. STEFANSON 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.

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Hon. Mr. ASHTON moved:

THAT Bill (No. 25) – The Amusements Amendment Act/Loi modifiant la Loi sur les divertissements, reported from the Standing Committee on Legislative Affairs, be concurred in and be now read for a Third Time and passed.

And a debate arising,

And Hon. Mr. ASHTON, Messrs. GOERTZEN and LAMOUREUX and Mrs. TAILLIEU having spoken,

And the Question being put. It was agreed to.

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

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Hon. Mr. ASHTON moved:

THAT Bill (No. 27) – The Agricultural Societies Act/Loi sur les sociétés agricoles, as amended and reported from the Standing Committee on Legislative Affairs, be concurred in and be now read for a Third Time and passed.

And a debate arising,

And Hon. Mr. ASHTON, Messrs. EICHLER, PENNER 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.

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Hon. Mr. ASHTON moved:

THAT Bill (No. 30) – The Safe Schools Charter (Various Acts Amended)/Charte de la sécurité dans les écoles (modification de diverses dispositions législatives), as amended and reported from the Standing Committee on Legislative Affairs, be concurred in and be now read for a Third Time and passed.

And a debate arising,

And Hon. Mr. ASHTON and Mrs. STEFANSON having spoken,

And the Question being put. It was agreed to.

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

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Hon. Mr. ASHTON moved:

THAT Bill (No. 32) – The Provincial Railways Amendment Act/Loi modifiant la Loi sur les chemins de fer provinciaux, reported from the Standing Committee on Legislative Affairs, be concurred in and be now read for a Third Time and passed.

And a debate arising,

And Hon. Mr. ASHTON, Messrs. MAGUIRE 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.

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Hon. Mr. ASHTON moved:

THAT Bill (No. 36) – The Highway Traffic Amendment Act/Loi modifiant le Code de la route, reported from the Standing Committee on Legislative Affairs, be concurred in and be now read for a Third Time and passed.

And a debate arising,



And Hon. Mr. ASHTON, Messrs. LAMOUREUX and MAGUIRE having spoken,

And the Question being put. It was agreed to.

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

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Hon. Mr. SELINGER moved:

THAT Bill (No. 37) – The Labour Relations Amendment Act/Loi modifiant la Loi sur les relations du travail, reported from the Standing Committee on Legislative Affairs, be concurred in and be now read for a Third Time and passed.

And a debate arising,

And Hon. Mr. SELINGER, Mr. SCHULER and Hon. Mr. GERRARD having spoken,

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

**YEA**

AGLUGUB	LEMIEUX
ALLAN	MACKINTOSH
ALTEMEYER	MARTINDALE
ASHTON	MCGIFFORD
BJORNSON	MELNICK
BRICK	NEVAKSHONOFF
CALDWELL	OSWALD
CHOMIAK	REID
DEWAR	ROBINSON
DOER	RONDEAU
GERRARD	SALE
JENNISSON	SANTOS
JHA	SCHELLENBERG
KORZENIOWSKI	SMITH
LAMOUREUX	STRUTHERS
LATHLIN	WOWCHUK..... 32

**NAY**

CUMMINGS	MITCHELSON
DERKACH	MURRAY
DRIEDGER	PENNER
DYCK	REIMER
EICHLER	ROCAN
FAURSCHOU	ROWAT
GOERTZEN	SCHULER
HAWRANIK	STEFANSON
LOEWEN	TAILLIEU..... 19
MAGUIRE	

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

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The Order of the Day being read for consideration of Report Stage Amendment of Bill (No. 23) – The Red River Floodway Act/Loi sur le canal de dérivation de la rivière Rouge, as amended and reported from the Standing Committee on Social and Economic Development:

Hon. Mr. ASHTON moved:

*THAT Clause 7 of the Bill be replaced with the following:*

**No duplication of compensation claims and proceedings**

7 A person may do either of the following, but not both:

(a) claim compensation under this Part for property damage or economic loss; or

(b) commence court proceedings in respect of property damage or economic loss caused by artificial flooding, to be determined in accordance with generally applicable legal principles.

And a debate arising,

And Hon. Mr. ASHTON, Mr. GOERTZEN, Mrs. TAILLIEU, Hon. Mr. GERRARD and, by leave, Hon. Mr. ASHTON having spoken,

And the Question being put on the amendment. It was agreed to.

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The Order of the Day being read for consideration of Report Stage Amendment of Bill (No. 31) – The Floodway Authority Act/Loi sur la Commission du canal de dérivation, reported from the Standing Committee on Social and Economic Development:

Hon. Mr. ASHTON moved:

*THAT Bill 31 be amended in the English version of Clause 21(b) by striking out "Manitoba Floodway Expansion Inc." and substituting "Manitoba Floodway Expansion Authority Inc."*

And a debate arising,

And Hon. Mr. ASHTON, Messrs. PENNER and GOERTZEN having spoken,

And the Question being put on the amendment. It was agreed to.

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The following petitions were presented and read:

Mr. EICHLER – Legislative Assembly of Manitoba to request that the Minister of Transportation and Government Services to consider having Highway 227 paved from the junction of Highway 248 and 227 all the way to Highway 16 the Yellow Head route and to request the Premier of Manitoba to consider supporting said initiatives to ensure for the safety of our Manitobans and all Canadians who travel along Manitoba Highways. (L. Balan, W. Fleury, K.M. Nugent and others)

Mrs. DRIEDGER – Legislative Assembly of Manitoba to request the Minister of Health to ensure that his attempts to balance his department's finances are not at the expense of the health and well-being of seniors and other vulnerable Manitobans suffering from this debilitating disease; to consider reversing his decision to deny Alzheimer's patients in personal care homes access to certain medications; and to consider implementing a provincial Alzheimer's strategy. (R. Sewell, J. Lambert, L. Richard and others)

Mr. LAMOUREUX – Legislative Assembly of Manitoba to request the Legislative Assembly of Manitoba to consider recognizing the need to sit for a minimum of 80 days in any given calendar year. (C. Macabeo, E.B. Nato, C. Cruzat)

Mr. MURRAY – Legislative Assembly of Manitoba to request the Premier of Manitoba to consider ending his government's plan to force all workers involved in the floodway expansion to pay union dues even if they are not part of a union; and to consider ensuring any qualified company and worker, regardless of their union status, is afforded the opportunity to bid and work on the floodway expansion project. (B. Thiessen, M. Thiessen, G. Thielmann and others)

Mrs. STEFANSON – Legislative Assembly of Manitoba to request the Premier of Manitoba to consider reversing his decision to increase Pharmacare deductibles by 5 percent in Budget 2004; to consider reducing health care bureaucracy, as previously promised, and direct those savings into sustaining Pharmacare; and to consider re-evaluating his government's priorities and to consider suspending his government's plans to spend \$100 million on new VLTs at a time when seniors and fixed income Manitobans cannot afford medication. (D. Dunn, R. Epp, K. Klassen and others)

Mr. FAURSCHOU – Legislative Assembly of Manitoba to request the Premier of Manitoba to consider ending his government's plan to force all workers involved in the floodway expansion to pay union dues even if they are not part of a union; and to consider ensuring any qualified company and worker, regardless of their union status, is afforded the opportunity to bid and work on the floodway expansion project. (G. Johnson, R.H. Bray, J. Nagribianko and others)

Mrs. TAILLIEU – Legislative Assembly of Manitoba to request the Premier of Manitoba to consider reversing his decision to increase Pharmacare deductibles by 5 percent in Budget 2004; to consider reducing health care bureaucracy, as previously promised, and direct those savings into sustaining Pharmacare; and to consider re-evaluating his government's priorities and to consider suspending his government's plans to spend \$100 million on new VLTs at a time when seniors and fixed income Manitobans cannot afford medication. (J. Shillington, A. Morris, R. McDonald and others)

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Pursuant to Rule 26(1), Mrs. TAILLIEU, Ms. IRVIN-ROSS, Messrs. EICHLER and JHA and Hon. Mr. GERRARD made Members' Statements.

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In accordance with Rule 27, Messrs. LOEWEN and HAWRANIK rose on Grievances.

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Mrs. DRIEDGER moved the following Opposition Day Motion:

WHEREAS the Doer government formed government on a platform promising to "end hallway medicine in six months with \$15 million" as well as "rescuing health care"; and

WHEREAS the Doer government, since taking office, despite increasing the Department of Health's budget by more than \$1 billion, the majority of regional health authorities are running deficits and the WRHA is considering closing 100 beds or significantly cutting back on the number of surgeries to avoid a surgery program deficit; and

WHEREAS administrative costs at regional health authorities have tripled in some instances since 1999; and

WHEREAS despite promises by the Doer government to "drastically cut" waiting lists including cutting the wait for an MRI to 8 weeks, ultrasounds to one or two weeks, CT scans to 2 weeks, the waiting time for CT Scans, Ultrasounds, MRIs and MIBI Stress Tests are all higher today, in some cases more than double; and

WHEREAS a number of policy initiatives announced by the Doer government have had negative consequences on our health care system; and

WHEREAS these policies include cutting off Alzheimer patients in Winnipeg personal care homes of their dementia medications, demanding rural communities pay recruitment fees for physicians and increasing the Pharmacare deductible by over 15%; and

WHEREAS despite several deaths and miscarriages occurring at Winnipeg's emergency rooms while patients waited for care, the Doer government continues to refuse to initiate an external review of Winnipeg's emergency room program; and

WHEREAS the Minister of Health has publicly acknowledged that he 'has no grand scheme' for health care and refuses to implement any meaningful reform; and

WHEREAS major recommendations from Dr. Koshal's cardiac care external review have not been implemented over nine months later including the immediate recruitment of three program heads; and

WHEREAS the Doer government recently admitted to breaking its commitment to introduce a prostate cancer screening program; and

WHEREAS the Doer government has also broken its commitment to hire nurses for our public schools; and

WHEREAS the Doer government allowed the Health Sciences Centre to avoid reporting critical clinical occurrences, which has slowed down the analysis of preventable deaths and injuries; and

WHEREAS the Minister of Health talks about accountability, his actions include refusing to answer questions accurately and providing Manitobans with misleading information.

THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba condemn the Minister of Health for his inability to keep his government's health care election promises including ending hallway medicine in six months with \$15 million; and

BE IT FURTHER RESOLVED that the Legislative Assembly of Manitoba urge the Minister of Health to involve front-line health care professionals in the development of meaningful reform of Manitoba's health care system to ensure its sustainability and universality.

And a debate arising,

And Mrs. DRIEDGER, Hon. Mr. DOER, Mr. MURRAY, Hon. Mr. CHOMIAK, Messrs. DERKACH, PENNER, LAMOUREUX and CUMMINGS, Mrs. TAILLIEU, Mr. FAURSCHOU, Hon. Mr. GERRARD, Messrs. DYCK and REIMER having spoken,

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

**YEA**

CUMMINGS	LOEWEN
DERKACH	MITCHELSON
DRIEDGER	MURRAY
DYCK	PENNER
EICHLER	REIMER
FAURSCHOU	ROCAN
GERRARD	ROWAT
GOERTZEN	SCHULER
HAWRANIK	STEFANSON
LAMOUREUX	TAILLIEU ..... 20

NAY

AGLUGUB	MACKINTOSH
ALLAN	MALOWAY
ALTEMEYER	MARTINDALE
ASHTON	MELNICK
BJORNSON	NEVAKSHONOFF
BRICK	OSWALD
CALDWELL	REID
CHOMIAK	ROBINSON
DEWAR	RONDEAU
DOER	SALE
IRVIN-ROSS	SANTOS
JENNISSON	SCHELLENBERG
KORZENIOWSKI	SELINGER
LATHLIN	SMITH
LEMIEUX	STRUTHERS ..... 30

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Hon. Mr. MACKINTOSH moved:

THAT Bill (No. 10) – The Gaming Control Amendment Act/Loi modifiant la Loi sur la Commission de régie du jeu, as amended and reported from the Standing Committee on Social and Economic Development, be concurred in and be now read for a Third Time and passed.

And a debate arising,

And Hon. Mr. MACKINTOSH, Messrs. GOERTZEN and LOEWEN having spoken,

And the Question being put. It was agreed to.

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

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Hon. Mr. MACKINTOSH moved:

THAT Bill (No. 23) – The Red River Floodway Act/Loi sur le canal de dérivation de la rivière Rouge, as amended and reported from the Standing Committee on Social and Economic Development and subsequently amended, be concurred in and be now read for a Third Time and passed.

And a debate arising,

And Hon. Mr. MACKINTOSH, Mr. GOERTZEN and Mrs. TAILLIEU having spoken,

And the Question being put. It was agreed to.

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

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Hon. Mr. MACKINTOSH moved:

THAT Bill (No. 31) – The Floodway Authority Act/Loi sur la Commission du canal de dérivation, reported from the Standing Committee on Social and Economic Development and subsequently amended, be concurred in and be now read for a Third Time and passed.

And a debate arising,

And Hon. Mr. MACKINTOSH, Messrs. GOERTZEN, MURRAY, LOEWEN, DYCK, LAMOUREUX, FAURSCHOU, PENNER and DERKACH having spoken,

And the Question being put. It was agreed to.

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

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The following Bills, reported from the Standing Committee on Social and Economic Development, were respectively concurred in, read a Third Time and passed:

(No. 33) – The Public Servants Insurance Amendment Act/Loi modifiant la Loi sur l'assurance des employés du gouvernement

(No. 34) – The University of Winnipeg Amendment Act/Loi modifiant la Loi sur l'Université de Winnipeg

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Hon. Mr. MACKINTOSH moved:

THAT Bill (No. 35) – The Credit Unions and Caisses Populaires Amendment Act/Loi modifiant la Loi sur les caisses populaires et les credit unions, as amended and reported from the Standing Committee on Social and Economic Development, be concurred in and be now read for a Third Time and passed.

And a debate arising,

And Hon. Mr. MACKINTOSH, Mrs. TAILLIEU, Messrs. DYCK, REIMER and LOEWEN having spoken,

And the Question being put. It was agreed to.

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

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**Wednesday, June 9, 2004**

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Hon. Mr. MACKINTOSH moved:

THAT Bill (No. 38) – The Fisheries Amendment Act/Loi modifiant la Loi sur la pêche, reported from the Standing Committee on Social and Economic Development, be concurred in and be now read for a Third Time and passed.

And a debate arising,

And Hon. Mr. MACKINTOSH and Mr. CUMMINGS having spoken,

And the Question being put. It was agreed to.

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

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The House then adjourned at 10:00 p.m. until 10:00 a.m. Thursday, June 10, 2004.

Hon. George HICKES,  
Speaker.