

TO THE HONOURABLE THE LEGISLATIVE ASSEMBLY OF MANITOBA:

Your Standing Committee on Legislative Affairs presents the following as its Second Report.

Meetings:

Your Committee met on Wednesday, May 24, 2006 at 6:00 p.m. in room 255 of the Legislative Building.

Matters under Consideration:

- **Bill (No. 15)** – The Emergency Measures Amendment Act/Loi modifiant la Loi sur les mesures d'urgence
- **Bill (No. 17)** – The Securities Amendment Act/Loi modifiant la Loi sur les valeurs mobilières
- **Bill (No. 23)** – The Safer Communities and Neighbourhoods Amendment Act/Loi modifiant la Loi visant à accroître la sécurité des collectivités et des quartiers

Committee Membership:

- Mr. DEWAR
- Mr. FAURSCHOU
- Mr. GOERTZEN
- Hon. Mr. MACKINTOSH
- Mr. REID (*Chairperson*)
- Mr. ROCAN
- Mrs. ROWAT
- Mr. SANTOS
- Mr. SCHELLENBERG
- Hon. Mr. SELINGER
- Hon. Mr. SMITH

Your Committee elected SCHELLENBERG as the Vice-Chairperson.

Public Presentations:

Your Committee heard two presentations on **Bill (No. 15)** – The Emergency Measures Amendment Act/Loi modifiant la Loi sur les mesures d'urgence, from the following individual and organization:

Ron Bell	Association of Manitoba Municipalities
Paul Clifton	Private Citizen

Written Submissions:

Your Committee received one written submission on **Bill (No. 15)** – The Emergency Measures Amendment Act/Loi modifiant la Loi sur les mesures d'urgence, from the following individual:

Jim Stinson	Private Citizen
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Bills Considered and Reported:

Bill (No. 15) – The Emergency Measures Amendment Act/Loi modifiant la Loi sur les mesures d'urgence

Your Committee agreed to report this Bill without amendment.

Bill (No. 17) – The Securities Amendment Act/Loi modifiant la Loi sur les valeurs mobilières

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

THAT the proposed subsection 163(1), as set out in Clause 33 of the Bill, be amended

(a) by replacing the definition "extra-provincial securities commission" with the following:

"extra-provincial securities commission" means a body empowered by the laws of another province or territory of Canada to regulate trading in securities, or to administer or enforce laws respecting trading in securities; («autre commission canadienne»)

(b) by striking out the definition "foreign securities laws"; and

(c) in the definition "Manitoba securities laws", by adding "by reference" after "incorporated".

THAT the proposed clause 163(2)(b), as set out in Clause 33 of the Bill, be replaced with the following:

(b) any person or company who, in respect of that extra-provincial securities commission, exercises a power or performs a duty or function that is substantially similar to one exercised or performed by the director under this Act.

THAT the proposed subsection 164(1), as set out in Clause 33 of the Bill, be amended

(a) by replacing the part before clause (a) with "Subject to subsection (2) and the regulations, the commission may"; and

(b) in clause (b), by adding "or other transfer" after "delegation".

THAT the proposed subsection 166(1), as set out in Clause 33 of the Bill, be amended

(a) in the part before clause (a), by striking out "may adopt or incorporate" and substituting "may by order adopt or incorporate by reference";

(b) in clause (a), by adding ", or a class of persons or companies," after "persons or companies"; and

(c) by replacing clause (b) with the following:

(b) trades or other activities involving a person or company, or a class of persons or companies, referred to in clause (a).

THAT Clause 33 of the Bill be amended

(a) in the proposed section 167,

(i) by replacing the section heading with "Exemption orders", and

(ii) in the part after clause (b), by striking out everything after "or trades" and substituting "satisfies the conditions set out in the order."; and

(b) by striking out the proposed section 168.

THAT the proposed section 169, as set out in Clause 33 of the Bill, be replaced with the following:

Exercise of discretion, interprovincial reliance

169(1) Subject to the regulations, if the commission or the director is empowered to make a decision regarding a person, company, trade or security, the commission or the director may make a decision on the basis that the commission or the director considers that an extra-provincial securities commission has made a substantially similar decision regarding the person, company, trade or security.

Hearing not required

169(2) Despite any other provision of this Act, but subject to the regulations, the commission or director may make a decision referred to in subsection (1) without giving a person affected by the decision an opportunity to be heard.

THAT the proposed section 170, as set out in Clause 33 of the Bill, be amended

(a) in clause (b), by adding "or other transfer" after "delegation";

(b) in clause (d), by adding "by reference" after "incorporation";

(c) in clause (e), by striking out "sections 167 and 168" and substituting "section 167"; and

(d) by striking out clause (f).

Bill (No. 23) – The Safer Communities and Neighbourhoods Amendment Act/Loi modifiant la Loi visant à accroître la sécurité des collectivités et des quartiers

Your Committee agreed to report this Bill without amendment.

Submitted by,

Daryl REID, Chairperson
May 24, 2006