



## LEGISLATIVE ASSEMBLY OF NEW BRUNSWICK First Session, 58<sup>th</sup> Legislative Assembly

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ORDER AND NOTICE PAPER - Sitting No. 38

Thursday, April 9, 2015

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### ROUTINE PROCEEDINGS

Prayers  
Introduction of Guests  
Statements by Members  
Oral Questions (30 minutes)  
Tabling of Documents  
Statements by Ministers  
Presentations of Petitions  
Answers to Petitions and Written Questions  
Presentations of Committee Reports  
Introduction of Bills  
Notices of Motions  
Notice of Opposition Members' Business  
Government Motions for the Ordering of the Business of the House  
Deferred Recorded Divisions  
Orders of the Day

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### ORDERS OF THE DAY

#### GOVERNMENT BILLS AND ORDERS

#### GOVERNMENT MOTIONS

**Motion 23 by Hon. Mr. Melanson**, seconded by Hon. Mr. Gallant to propose the following resolution on Tuesday, March 31, 2015:

THAT this House approves in general the budgetary policy of the government.

***Debate interrupted due to expiration of time.***

***Debate to resume on Thursday, April 9, 2015.***

## GOVERNMENT BILLS FOR SECOND READING

### *Bills Ordered for Second Reading*

- Bill 19, An Act to Repeal the Farm Improvement Assistance Loans Act  
- Hon. Mr. Doucet  
Bill 20, An Act to Repeal the Farm Credit Corporation Assistance Act  
- Hon. Mr. Doucet  
Bill 21, An Act to Repeal the Farm Machinery Loans Act - Hon. Mr. Doucet

## PRIVATE BILLS FOR SECOND READING

### *Bills to be Ordered for Second Reading*

- Bill 18, Engineering and Geoscience Professions Act - Mr. LePage

## COMMITTEE OF THE WHOLE

- Bill 10, An Act to Amend the Elections Act - Mr. Coon  
Bill 15, An Act to Amend the Workers' Compensation Act - Mr. Wetmore

## STANDING COMMITTEE ON ECONOMIC POLICY

- Bill 17, An Act to Amend the Motor Vehicle Act - Hon. Mr. Horsman

## COMMITTEE OF SUPPLY

- Capital Estimates, 2015-2016  
Supplementary Estimates, Volume I, 2013-2014

## GOVERNMENT MOTIONS

## CONCLUDED

- Motion 4 by Hon. Mr. Fraser.** Carried December 4, 2014.  
**Motion 5 by Hon. Mr. Fraser.** Debated and carried December 10, 2014.  
**Motion 6 by Hon. Mr. Melanson.** Debated and carried December 17, 2014.  
**Motion 7 by Hon. Mr. Fraser.** Debated and carried as amended  
February 10, 11, 13, 17, 18, and March 10, 2015.  
**Motion 8 by Hon. Mr. Fraser.** Carried December 11, 2014.  
**Motion 12 by Hon. Mr. Fraser.** Carried December 19, 2014.  
**Motion 15 by Hon. Mr. Fraser.** Carried February 12, 2015.  
**Motion 24 by Mr. Albert.** Carried March 13, 2015.  
**Motion 25 by Mr. Albert.** Carried March 17, 2015.

## GOVERNMENT PRIVATE MEMBERS' MOTIONS

**Motion 16 by Mr. Bourque**, seconded by Ms. LeBlanc to propose the following resolution on Wednesday, February 18, 2015:

THAT, in addition to the existing sitting hours prescribed in Standing Rule 29(1), the House sit on Tuesday, Wednesday, and Thursday evenings from 7:00 p.m. to 10:00 p.m.;

THAT this Special Order come into effect immediately upon its adoption and remain in effect for the remainder of the First Session of the Fifty-eighth Legislative Assembly.

## CONCLUDED

**Motion 11 by Mr. Bourque.** Debated and carried December 19, 2014.

**Motion 18 by Mr. Guitard.** Debated and carried February 20, 2015.

**Motion 22 by Mr. Ames.** Debated and carried March 27, 2015.

**Motion 26 by Mr. Guitard.** Debated and carried March 26, 2015.

## OPPOSITION MEMBERS' BUSINESS

*[Order in accordance with notice provided pursuant to Standing Rule 44(4)]*

## OPPOSITION MEMBERS' MOTIONS

### *Debatable Motions*

**Motion 29 by Mr. Flemming**, seconded by Mr. Fitch to propose the following resolution on Thursday, April 2, 2015:

WHEREAS the former Liberal government granted in excess of seventy million dollars of financial assistance to the Atcon group of companies in 2008 and 2009;

WHEREAS, immediately prior to approving fifty million dollars in assistance in March of 2009, the former department of Business New Brunswick had advised Cabinet that Atcon was showing signs of insolvency;

WHEREAS, immediately prior to the former Liberal government approving fifty million dollars in assistance in March of 2009, the former department of Business New Brunswick had recommended that further assistance not be given to Atcon and assessed the risk as "high";

WHEREAS, immediately prior to the former Liberal government approving fifty million dollars in assistance in March of 2009, the New Brunswick Industrial Development Board, a body composed of Deputy Ministers, concurred with the recommendation against providing further financial assistance to the Atcon group of companies;

WHEREAS, despite the clear signs that Atcon was in serious financial difficulty, and against the recommendations of government officials, the then Minister of Business New Brunswick offered fifty million dollars in further assistance on March 27, 2009;

WHEREAS, almost immediately thereafter, Atcon went out of business and is now insolvent;

WHEREAS the vast majority of the funds advanced by the Government of New Brunswick have not been recovered and represent a still undefined loss to the taxpayers of New Brunswick;

WHEREAS it is unclear whether the Atcon group of companies made use of the financial assistance from the Province, and the funds it borrowed that were secured by the further assistance of the Province, for the purposes for which they were advanced and borrowed;

WHEREAS the Conflict of Interest Commissioner recommended, during the 57<sup>th</sup> Legislature, that the House consider requesting the Auditor General to conduct an audit of the financial assistance given by the Province of New Brunswick to Robert Tozer and his Atcon group of companies;

WHEREAS the Legislative Assembly requested on June 12<sup>th</sup>, 2013, that the Auditor General of New Brunswick conduct an audit of all the financial assistance given by the Province of New Brunswick to Robert Tozer and the Atcon group of companies, including recommendations on how to improve the performance of the Department of Economic Development, formerly known as Business New Brunswick;

WHEREAS the Auditor General reported her findings of the said audit on March 24<sup>th</sup>, 2015;

WHEREAS the said report included findings that:

(a) the former Liberal government displayed a very troubling disregard for taxpayers' money;

(b) approval for funding was granted by the former Liberal government despite significant risks of loss and numerous objections from senior officials;

(c) a number of terms and conditions intended to mitigate the Province's risk were put in place, only to be later removed by Cabinet;

(d) amendments to the security agreements on the \$50 million loan guarantee granted to the Atcon group of companies were approved that negatively affected the Province's security position on the Atcon guarantee;

(e) the said amendments had a substantial effect on the security held by the Province, and that therefore Cabinet and the then Minister of Business New Brunswick did not comply with Regulation 82-197, Section 4(c), and did not have the authority to make the said amendments;

(f) the said *ultra vires* amendments were approved despite objections from senior officials;

(g) it was known the impact of the said *ultra vires* amendments would weaken the Province's security position by millions of dollars; and

(h) nothing encountered during the said audit by the Auditor General indicates decisions taken by the former Liberal government in this regard were reasonable in the circumstances;

WHEREAS the said report of the Auditor General noted that it was prepared in response to the request of this House of June 12<sup>th</sup>, 2013, and that it therefore may not have answered all remaining questions regarding government's involvement with the Atcon group of companies;

WHEREAS, in preparing the said report, the Auditor General did not conduct a forensic audit, carry out an inquiry, or put anyone under oath during the audit process, and;

WHEREAS the said report stated further that the Auditor General is prepared to pursue future direction on this matter if requested by the Legislative Assembly, and that to do so would be possible with additional financial assistance for that purpose;

WHEREAS questions remain unanswered regarding government's involvement with the Atcon group of companies, including but not limited to the ultimate loss or recovery to

the Province, and whether the Atcon group of companies made use of the financial assistance from the Province, and the funds it borrowed that were secured by the further assistance of the Province, for the purposes for which they were advanced and borrowed;

WHEREAS it is in the public interest that all said remaining questions be answered;

BE IT THEREFORE RESOLVED that this Assembly request the Auditor General of New Brunswick to conduct a forensic audit and an inquiry into all the financial assistance given by the Province of New Brunswick to Robert Tozer and the Atcon group of companies, in order to answer all remaining questions regarding government's involvement with the Atcon group of companies, including but not limited to the questions set out above, and urge the government to provide financing for such forensic audit and inquiry;

BE IT FURTHER RESOLVED that this Assembly recommend that all the evidence and information in the Conflict of Interest Commissioner's inquiry into allegations by Mr. Claude Williams, the former Member of the Legislative Assembly for the former constituency of Kent South, of violations of the *Members' Conflict of Interest Act* with respect to the above matter, be further preserved and continue to be made available to the Auditor General of New Brunswick to assist her in the forensic audit and inquiry.

**Motion 31 by Mr. Holder**, seconded by Mr. Jody Carr to propose the following resolution on Thursday, April 9, 2015:

WHEREAS investing in an educated, well-trained and skilled work force is an important component of a diversified economic development strategy;

WHEREAS the New Brunswick Tuition Rebate was introduced in 2005 as the New Brunswick Tuition Tax Cash Back program, and was expanded by the former Liberal government during its mandate;

WHEREAS the New Brunswick Tuition Rebate program helps recruit, retain and repatriate an educated, well-trained and skilled work force;

WHEREAS the government announced it will eliminate the New Brunswick Tuition Rebate program;

WHEREAS the elimination of the New Brunswick Tuition Rebate program will make it more difficult for New Brunswickers trying to build careers to make New Brunswick a more prosperous province;

WHEREAS the elimination of the New Brunswick Tuition Rebate program is shortsighted and should be reversed;

BE IT THEREFORE RESOLVED that the Legislative Assembly urge the government to reinstate the New Brunswick Tuition Rebate program.

## **OPPOSITION MEMBERS' PUBLIC BILLS FOR SECOND READING**

Bill 11, Local Food Security Act - Mr. Coon

Bill 13, An Act to Return to the Crown Certain Rights Relating to Wood Supply and Forest Management - Mr. Coon

## **OPPOSITION MEMBERS' MOTIONS**

### ***Debatable Motions***

**Motion 20 by Mr. B. Macdonald**, seconded by Mr. Urquhart to propose the following resolution on Thursday, February 26, 2015:

WHEREAS fire, police, ambulance services, and other traditional first responders provide essential emergency services to our province, and their members often do so at great personal risk;

WHEREAS members of the Canadian Armed Forces often respond to crisis, both in Canada and overseas, and put themselves selflessly in harm's way;

WHEREAS many agencies of government, including Public Safety, Natural Resources, Social Development, the Canadian Coast Guard, and the Emergency Measures Organization provide help to our province in times of crisis;

WHEREAS search and rescue, amateur radio operators, lifeguards, and the Life Saving Society, Canadian Ski Patrol, St. John Ambulance, Red Cross, and other groups provide essential services in times of crisis;

WHEREAS soup kitchens, food banks, sexual assault crisis centres, helplines, transition houses, emergency shelters, and many other volunteer organizations provide important front-line services to those in desperate need;

WHEREAS hospitals, clinics, doctors, nurses, and many other health care professionals provide emergency medical care;

WHEREAS many faith-based groups often provide crucial support to individuals in times of personal crisis; and

WHEREAS these members, family, and friends of our first-responder and other emergency services deserve a day to celebrate their successes and to be acknowledged for their service to our community;

BE IT THEREFORE RESOLVED THAT the Saturday immediately preceding Police and Peace Officers' National Memorial Day be officially designated Emergency Services Day in New Brunswick.

**Motion 21 by Mr. Coon**, seconded by Mr. Bernard LeBlanc to propose the following resolution on Thursday, March 12, 2015:

WHEREAS all members of the Legislative Assembly are elected representatives of the people of New Brunswick;

AND WHEREAS it is important that the role and responsibilities of MLAs be well understood by the public;

AND WHEREAS it would be helpful for Members of the Legislative Assembly to have guidelines to aid them in the conduct of their duties;

AND WHEREAS the effectiveness of MLAs, and their accountability to the people of New Brunswick, may be improved if the Legislative Assembly establishes a formal statement of the key roles and responsibilities of MLAs;

AND WHEREAS the Legislative Administration Committee recommended the adoption of a statement on the Roles and Responsibilities of an MLA and a Code of Conduct for MLAs in its report to the Legislative Assembly tabled April 3, 2003;

THEREFORE BE IT RESOLVED that the Standing Rules of the Legislative Assembly be amended by adding after Standing Rule 123:

PART IX

124(1) The Legislative Assembly shall establish a Statement on the Roles and Responsibilities of Members and a Code of Conduct, hereinafter collectively referred to as the "Code".

124(2) The Code shall be printed in the Appendices of the Standing Rules of the Legislative Assembly and in the Legislative Assembly of New Brunswick Members' Orientation Manual.

**Motion 27 by Mr. Northrup**, seconded by Ms. Dubé to propose the following resolution on Thursday, March 26, 2015:

WHEREAS New Brunswickers enjoy outdoor activities such as skiing and snowboarding to stay active over the winter months;

WHEREAS skiing and snowboarding are activities that should be enjoyed safely;

WHEREAS head injuries are the leading cause of death among skiers and snowboarders of all ages;

WHEREAS helmet use reduces the risk that people who ski or snowboard will suffer a traumatic brain injury, and can save the lives of participants;

WHEREAS there have been numerous traumatic brain injuries attributed to people skiing or snowboarding without a helmet in New Brunswick;

WHEREAS members of the public have advocated for New Brunswick to make helmets mandatory for all people who ski or snowboard;

WHEREAS it is in the public interest to make mandatory the wearing of helmets when skiing or snowboarding;

BE IT THEREFORE RESOLVED that the Legislative Assembly urge the government to introduce legislation to make mandatory the wearing of helmets when skiing or snowboarding.

**Amendment moved by Hon. Mr. Horsman, seconded by Hon. Mr. Arseneault that Motion 27 be amended as follows:**

**After the seventh “Whereas” clause, add:**

**“WHEREAS enacting helmet legislation requires hiring enforcement officers to patrol hills where skiing takes place, checking for helmet use and checking helmet standards and investigating reports of persons seen not wearing helmets while skiing, leading to prosecutions and fines for infractions committed by skiers and ski hills operators;**

**WHEREAS operators of ski hills may now establish policies to make mandatory the wearing of helmets when skiing or snowboarding on their ski slopes as a condition for use of their ski slopes;”**

**And, delete the resolution clause and replace it with:**

**“BE IT THEREFORE RESOLVED that the Legislative Assembly urge the government to encourage ski hill operators to make mandatory the wearing of helmets when skiing or snowboarding as a condition for use of their ski slopes.”**

***[Debate interrupted due to expiration of time.]***

**Motion 30 by Mr. Coon**, seconded by Mr. Jody Carr to propose the following resolution on Thursday, April 2, 2015:

WHEREAS ensuring the rights and interests of children and youth are protected in our Province is a high priority for all New Brunswickers;

WHEREAS the Office of the Child and Youth Advocate is responsible for ensuring that the rights of children and youth are protected and that the views of children and youth are heard pursuant to section 2 of the *Child and Youth Advocate Act*;

WHEREAS the Child and Youth Advocate currently does not report to a Legislative Committee to ensure his reports and recommendations are acted upon;

BE IT THEREFORE RESOLVED that the Legislative Assembly recommend that a Standing Committee on Children and Youth be appointed to which the Child and Youth Advocate would report;

BE IT FURTHER RESOLVED that the appointed committee would be tasked with the following:

- receive and review annual and special reports from the Child and Youth Advocate;
- meet with the Child and Youth Advocate at least twice a year; and,
- act in conjunction with the Child and Youth Advocate to ensure that the needs of children and youth in New Brunswick are being met.

**Motion 32 by Mr. Steeves**, seconded by Ms. Dubé to propose the following resolution on Thursday, April 16, 2015:

WHEREAS seniors helped build our province;

WHEREAS New Brunswick has an aging population and seniors are living longer due to the dramatic improvements in the detection and treatment of disease;

WHEREAS the marked increase in longevity of individuals does not necessarily mean that seniors maintain the same quality of life;

WHEREAS New Brunswick should support seniors living at home for as long as possible;

WHEREAS seniors need to be confident that they will have access to high quality long-term care when they are no longer able to live alone;

WHEREAS the United Nations' Principles for Older Persons identifies and divides the rights of seniors into five categories, namely independence, participation, care, self-fulfillment and dignity;

WHEREAS this government:

(a) has removed the limit on the cost of nursing home care, making it more expensive for seniors who need specialized care to live out their lives in dignity;

(b) will assess seniors' ability to pay for nursing home care based on their liquid assets, allowing the hard earned savings of seniors to be attacked again;

(c) is increasing premiums for the Seniors Prescription Drug Program, making the cost of living healthy lives even higher for seniors;

(d) is reinstating ambulance fees, forcing seniors to choose between life-saving care and paying their bills; and

(e) is increasing gas taxes, reducing the mobility of seniors and their quality of life;

WHEREAS these actions implement or increase taxes and other indirect taxes and fees, and doing so is a very regressive way of getting new revenue from New Brunswickers and hurts our seniors;

BE IT THEREFORE RESOLVED that the Legislative Assembly condemn this government for its failure to protect, promote and defend the interests of seniors;

BE IT FURTHER RESOLVED that the Legislative Assembly urge the government to acknowledge its errors, reverse its course of action to erode the health, safety and security of our seniors, and commit to providing better support and assistance to our seniors.

### ***Motions for Returns***

**Motion 19 by Mr. B. Macdonald**, seconded by Ms. Lynch to propose the following resolution on Thursday, February 26, 2015:

THAT an address be presented to Her Honour the Lieutenant-Governor, praying that she cause to be laid upon the table of the House all documentation, however recorded,



stored or archived, by electronic means or otherwise, in the custody of or under the control of the Office of the Premier, the Premier, the Department of Finance, the Minister of Finance, the Department of Health, the Horizon Health Network, the Vitalité Health Network, the Dr. Everett Chalmers Hospital, the Minister of Health and any other relevant government employee, department, agency, board or commission, and any correspondence or other communication, whether by electronic means or otherwise, between or amongst those entities and persons or with the federal, other provincial, territorial or municipal governments, relating to capital expenditures and planned capital improvements, including budget figures, tables, projections and planned future budget figures, together with all reports and studies relating to the capital infrastructure of the Horizon Health Network and the Vitalité Health Network, including but not limited to the Dr. Everett Chalmers Hospital, for the years from 2010 to 2020, inclusive.

## CONCLUDED

- Motion 1 by Mr. Stewart.** Debated and carried as amended December 11, 2014.
- Motion 2 by Mr. Steeves.** Debated and defeated March 12, 2015.
- Motion 3 by Mr. Wetmore.** Debated and defeated December 18, 2014.
- Motion 9 by Mr. Stewart.** Debated and carried as amended February 12, 2015.
- Motion 10 by Ms. Shephard.** Debated and carried as amended December 18, 2014.
- Motion 13 by Mr. Jeff Carr.** Debated and defeated March 19, 2015.
- Motion 14 by Mr. Wetmore.** Debated and defeated February 19, 2015.
- Motion 17 by Mr. Steeves.** Debated and carried as amended March 12, 2015.
- Motion 28 by Mr. Steeves.** Debated and carried as amended March 26, 2015.

## PETITIONS

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|--|-------------------------------|
| Petition 1: Mr. Wetmore, December 9, 2014.           | (Response, January 26, 2015)  |
| Petition 2: Ms. Wilson, December 10, 2014.           | (Response, December 22, 2014) |
| Petition 3: Mr. Wetmore, December 10, 2014.          | (Response, January 26, 2015)  |
| Petition 4: Ms. Wilson, December 11, 2014.           | (Response, December 22, 2014) |
| Petition 5: Mr. Wetmore, December 11, 2014.          | (Response, January 26, 2015)  |
| Petition 6: Ms. Wilson, December 12, 2014.           | (Response, December 22, 2014) |
| Petition 7: Mr. Wetmore, December 12, 2014.          | (Response, January 26, 2015)  |
| Petition 8: Mr. Wetmore, December 17, 2014.          | (Response, January 26, 2015)  |
| Petition 9: Mr. Coon, December 17, 2014.             | (Response, December 22, 2014) |
| Petition 10: Mr. Wetmore, December 18, 2014.         | (Response, January 26, 2015)  |
| Petition 11: Hon. Mr. Fraser, February 10, 2015.     |                               |
| Petition 12: Mr. Northrup, February 10, 2015.        | (Response, February 27, 2015) |
| Petition 13: Mr. LePage, February 11, 2015.          | (Response, March 17, 2015)    |
| Petition 14: Mr. Northrup, February 11, 2015.        | (Response, February 27, 2015) |
| Petition 15: Mr. Northrup, February 12, 2015.        | (Response, February 27, 2015) |
| Petition 16: Mr. Bernard LeBlanc, February 13, 2015. | (Response, March 23, 2015)    |
| Petition 17: Mr. Northrup, February 13, 2015.        | (Response, February 27, 2015) |
| Petition 18: Mr. Northrup, February 18, 2015.        | (Response, February 27, 2015) |
| Petition 19: Mr. Northrup, February 19, 2015.        | (Response, March 17, 2015)    |
| Petition 20: Mr. Northrup, February 20, 2015.        | (Response, March 17, 2015)    |
| Petition 21: Mr. Bernard LeBlanc, March 10, 2015.    | (Response, March 25, 2015)    |

Petition 22: Mr. Northrup, March 10, 2015.	(Response, April 1, 2015)
Petition 23: Mr. Oliver, March 10, 2015.	(Response, March 25, 2015)
Petition 24: Mr. Northrup, March 11, 2015.	(Response, April 1, 2015)
Petition 25: Mr. Bernard LeBlanc, March 11, 2015.	(Response, March 25, 2015)
Petition 26: Mr. Oliver, March 11, 2015.	(Response, March 25, 2015)
Petition 27: Mr. Northrup, March 12, 2015.	(Response, April 1, 2015)
Petition 28: Mr. Coon, March 12, 2015.	
Petition 29: Mr. Oliver, March 12, 2015.	(Response, March 25, 2015)
Petition 30: Ms. Shephard, March 13, 2015.	(Response, April 1, 2015)
Petition 31: Mr. Oliver, March 13, 2015.	(Response, March 25, 2015)
Petition 32: Mr. Northrup, March 17, 2015.	
Petition 33: Mr. Oliver, March 17, 2015.	(Response, March 25, 2015)
Petition 34: Mr. Northrup, March 18, 2015.	
Petition 35: Mr. Oliver, March 18, 2015.	(Response, March 25, 2015)
Petition 36: Ms. Shephard, March 19, 2015.	
Petition 37: Mr. Oliver, March 19, 2015.	(Response, April 8, 2015)
Petition 38: Mr. Northrup, March 20, 2015.	
Petition 39: Mr. Oliver, March 20, 2015.	(Response, April 8, 2015)
Petition 40: Mr. Northrup, March 24, 2015.	
Petition 41: Mr. Oliver, March 24, 2015.	(Response, April 8, 2015)
Petition 42: Mr. Oliver, March 24, 2015.	(Response, April 8, 2015)
Petition 43: Ms. Shephard, March 25, 2015.	
Petition 44: Mr. Oliver, March 25, 2015.	(Response, April 8, 2015)
Petition 45: Mr. Oliver, March 25, 2015.	(Response, April 8, 2015)
Petition 46: Mr. Northrup, March 26, 2015.	
Petition 47: Mr. Oliver, March 26, 2015.	(Response, April 8, 2015)
Petition 48: Mr. Bernard LeBlanc, March 27, 2015.	
Petition 49: Mr. Northrup, March 27, 2015.	
Petition 50: Mr. Oliver, March 27, 2015.	(Response, April 8, 2015)
Petition 51: Mr. Roussel, April 1, 2015.	
Petition 52: Mr. Crossman, April 1, 2015.	
Petition 53: Mr. Oliver, April 7, 2015.	
Petition 54: Mr. Oliver, April 7, 2015.	
Petition 55: Mr. Coon, April 7, 2015.	
Petition 56: Mr. Steeves, April 7, 2015.	
Petition 57: Mr. Bernard LeBlanc, April 7, 2015.	
Petition 58: Mr. Oliver, April 8, 2015.	
Petition 59: Mr. Coon, April 8, 2015.	
Petition 60: Mr. Steeves, April 8, 2015.	

## COMMITTEE REPORTS

Standing Committee on Private Bills  
 Standing Committee on Procedure

First Report, April 7, 2015  
 First Report, December 10, 2014

Donald J. Forestell  
 Clerk of the Legislative Assembly