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**No. 34**

Wednesday, February 19, 1997.

8.30 o'clock a.m.

Prayers.

**Message from Lieutenant-Governor**

Hon. Mr. Blanchard, Minister of Finance, delivered to Mr. Speaker, a Message from Her Honour the Lieutenant-Governor and the said Message was read by Mr. Speaker, all the Members standing, and is as follows:

*The Lieutenant-Governor transmits Supplementary Estimates 1997-1998 not otherwise provided for, for the year ending March 31, 1998, and in accordance with the provisions of the Constitution Act, 1867, recommends these estimates to the House.*

(Sgd.) Margaret Norrie McCain,

*Lieutenant-Governor.*

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Mr. Speaker introduced to the House Hon. Wilbur MacDonald, Speaker of the Legislative Assembly of Prince Edward Island and Verna Bruce, Clerk of the Prince Edward Island Legislature.

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**Standing Committee on Private Bills**

Mr. Kennedy, from the Standing Committee on Private Bills presented the Report of the Committee which was read and is as follows:

February 19, 1997

To the Honourable

The Legislative Assembly of New Brunswick

The Province of New Brunswick

Mr. Speaker:

Your Committee on Private Bills begs leave to submit this, their First Report.

Your Committee met on Tuesday, February 18, in the Legislative Council Chamber.

Your Committee had under consideration:

Bill 43, *An Act to Incorporate Laforest Trustee Corporation*

Bill 45, *An Act to Incorporate the New Brunswick Chiropractors Association*

and recommends the same to the favourable consideration of the House without amendment.

Your Committee had under consideration:

Bill 46, *An Act to Amend the Pharmacy Act*

Bill 59, *An Act to Amend An Act Respecting the New Brunswick Medical Society and the College of Physicians and Surgeons of New Brunswick*

which they recommend to the favourable consideration of the House with certain amendments.

And your Committee begs leave to make a further report.

Mr. Speaker, I move, seconded by the Member for Mactaquac, that the Report be concurred in by the House.

(Sgd.) Larry Kennedy, M.L.A., Chairman

Mr. Speaker put the question on the motion of concurrence in the report of the Committee and it was resolved in the affirmative.

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### **Documents Tabled**

Hon. Mr. Blanchard laid upon the Table of the House a document entitled Supplementary Estimates 1997-1998.

Hon. Mrs. Breault laid upon the Table of the House a document entitled A Community of Communities - Creating a Stronger Future - Local Government Options for the Greater Saint John Area.

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### **Bills Introduced**

The following Bills were introduced and read the first time:

By Hon. Mr. Duffie:

Bill 84, *An Act to Amend the Insurance Act.*

By Hon. Mrs. Breault:

Bill 85, *An Act to Amend the Municipalities Act.*

Bill 86, *An Act to Amend the Community Planning Act.*

By Ms. Weir:

Bill 87, *An Act to Amend the Hospital Act.*

Ordered that the said Bills be read a second time at the next sitting.

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### **Notices of Motions**

Mr. Sherwood gave Notice of Motion 107 that on Tuesday, February 25, 1997, he would move the following resolution, seconded by Mr. D. Graham:

That an address be presented to Her Honour the Lieutenant-Governor, praying that she cause to be laid upon the Table of the House copies of all correspondence or other documents of any kind between A Ruitenbergh and the Department of the Environment or the Department of Natural Resources and Energy with respect to the proposed landfill property at Crane Mountain.

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### **Government Motions re Business of House**

Hon. Mr. Frenette announced that the House would proceed with regular business and that it was the intention of the government that the House resolve itself into a Committee of the Whole to consider legislation.

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### **Second Reading**

The Order being read for second reading of Bill 77, *Education Act*, a debate arose thereon.

And after some time, the debate was, on motion of Hon. Mr. Frenette, adjourned over on the following recorded division:

Hon. Mr. Blanchard	Hon. Mr. Richard	Mr. Kavanaugh
Hon. B. Thériault	Hon. Mrs. Day	Mr. Olmstead
Hon. Mr. Tyler	Mr. Allaby	Mr. Flynn
Hon. Mr. Lockyer	Mr. Steeves	Mr. DeGrâce
Hon. Mrs. Trenholme	Mr. Wilson	Mr. MacDonald
Mrs. Jarrett	Mr. LeBlanc	Mr. Byrne
Mr. McAdam	Mr. Jamieson	Mr. MacLeod
Mr. Kennedy	Mr. A. Landry	Mr. Armstrong
Hon. Mr. Doucet	Ms. de Ste. Croix	Mrs. Kingston

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Mr. Sherwood	Hon. Mr. Valcourt	Mr. Volpé
Mr. Robichaud	Ms. Weir	Mr. D. Graham

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The Order being read for second reading of Bill 78, *An Act Respecting the Education Act*, it was agreed by unanimous consent to defer consideration of the motion for second reading of Bill 78, *An Act Respecting the Education Act*.

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Second reading continued and the following Bills were read the second time and ordered referred to the Committee of the Whole House.

Bill 79, *An Act to Amend An Act Respecting Health Professionals*.

Bill 80, *An Act to Amend the Income Tax Act*.

Bill 81, *An Act to Amend the Members Superannuation Act*.

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### **Committee of the Whole**

The House resolved itself into a Committee of the Whole with Mr. MacDonald in the Chair.

And after some time, it was agreed that consideration of Bill 44, *Harmonized Sales Tax Act*, be interrupted at 4 o'clock p.m. to resume at 4.30 o'clock p.m.

And after some further time, Mr. Chairman declared it to be 12.30 o'clock p.m. and left the chair, to resume again at 2 o'clock p.m.

*2 o'clock p.m.*

Mr. Chairman resumed the Chair.

During consideration of Bill 44, Hon. Mr. Valcourt questioned the validity and legality of subsection 2(2) of the Bill. Mr. Chairman ruled that his responsibility was to decide questions of order and procedure and not questions of law.

After some further time spent in consideration of Bill 44, *Harmonized Sales Tax Act*, Hon. Mr. Valcourt moved the following amendment:

#### AMENDMENT [section 2]

By striking out subsection 2(2) and substituting the following:

2(2) The Minister on behalf of Her Majesty in right of the Province may from time to time enter into an agreement with the Minister of Finance for Canada on behalf of the Government of Canada amending the Agreement.

2(3) Where

(a) under the Agreement the participating provinces propose a change in the rate of tax; or

(b) the Minister enters into an amending agreement pursuant to subsection (2),

the Minister shall introduce for the consideration of the Legislative Assembly a resolution respecting the change or amending agreement, as the case may be, within ten days of its proposal or execution if the House is then sitting or, if it is not then sitting, within ten days after it next sits.

And after some further time, it was agreed by unanimous consent to defer consideration of said amendment to allow the Minister to review and consider its full implications.

At 4.30 o'clock p.m., Mr. Chairman declared a recess.

*4.47 o'clock p.m.*

The Committee resumed.

And after some further time spent in Committee of the Whole, Mr. Speaker resumed the chair and Mr. MacDonald, the Chairman, after requesting Mr. Speaker revert to the Order of Presentations of Committee Reports, reported:

That the Committee had directed him to report the following Bill as agreed to:

*Bill 72, An Act to Amend the Residential Property tax Relief Act.*

And that the Committee had directed him to report the following Bill as amended:

*Bill 73, An Act to Amend the Municipalities Act.*

And that the Committee had directed him to report progress on the following Bill:

*Bill 44, Harmonized Sales Tax Act.*

And the Committee asked leave to make a further report.

Pursuant to Standing Rule 78.1, Mr. Speaker then put the question on the motion deemed to be before the House, that the report be concurred in, and it was resolved in the affirmative.

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And then, 6.01 o'clock p.m., the House adjourned.

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The following documents, having been deposited with the Clerk of the House, were deemed laid before the Table of the House, pursuant to Standing Rule 39:

Documents requested in Notice of Motion 50 - February 14, 1997