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No. 38

Tuesday, February 24, 1998.

1 o'clock p.m.

Prayers.

Mr. Speaker thanked the Gideons of New Brunswick for providing new Members of the Legislative Assembly with a bilingual copy of the Scriptures.

Mr. Smith rose on a Point of Order and noted that the Order and Notice Paper had not been placed on Members' desks.

Mr. Speaker advised that the Order and Notice Paper would be distributed forthwith.

Bills Introduced

Ms. Weir moved that the following Bill be now read a first time:

Bill 71, *An Act to Amend the Employment Standards Act*.

And the question being put, it was resolved in the negative.

It was agreed by unanimous consent to rescind the negative vote on the motion for first reading of Bill 71 and have Mr. Speaker put the question again.

Bill 71, *An Act to Amend the Employment Standards Act*, was accordingly read a first time and ordered to be read a second time at the next sitting.

Notices of Motions

Mr. Sherwood gave Notice of Motion 110 that on Friday, February 27, 1998, 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 documents, studies, results and all monitoring of well test results with respect to the contaminations on the Warren Maritimes Ltd. Asphalt Plant located on Dolan Road, Rothesay, N.B. from 1995 to present.

Government Motions re Business of House

Hon. Mr. Tyler announced that following Private Members' Motions, it was the intention of government that the House resolve itself into a Committee of the Whole House to consider legislation.

Third Reading

The following Bills were read the third time:

Bill 19, *Conservation Easements Act*.

Bill 22, *An Act to Amend the Motor Vehicle Act*

Bill 23, *An Act to Amend the Highway Act*.

Bill 35, *An Act to Amend the Real Property Tax Act*.

Ordered that the said Bills do pass.

The Order being read for third reading of Bill 68, *Livestock Operations Act*, a debate arose thereon.

And the debate being ended, and the question being put that Bill 68 be now read a third time, it was resolved in the affirmative on the following recorded division:

YEAS - 25

Hon. Mr. Tyler	Mr. Allaby	Mr. DeGr? ce
Hon. Mrs. Barry	Mr. Wilson	Mr. O'Donnell
Hon. Mr. MacIntyre	Mr. Smith	Mr. MacDonald
Hon. Mr. Savoie	Mr. Kavanaugh	Mr. Devereux
Hon. Mr. Jamieson	Mr. A. Landry	Mr. MacLeod
Mrs. Jarrett	Ms. de Ste. Croix	Mr. Armstrong
Mr. McAdam	Mr. H. Doyle	Mr. J. Doyle
Hon. Mr. LeBlanc	Mr. Olmstead	Mr. Doucet
Hon. Mrs. Kingston		

NAYS - 4

Mr. Volpé	Hon. Mr. Valcourt	Mr. D. Graham
Mr. Sherwood		

Accordingly, Bill 68, *Livestock Operations Act*, was read the third time and passed.

Private Members' Motions

Debate resumed on the amendment to Motion 91 moved by Mr. Allaby and seconded by Hon. B. Thériault, as follows:

AMENDMENT

That Motion 91 be amended by:

In the final paragraph of the motion delete the words "urgently call upon", and replace them with the following "endorse the plan of", and delete all the words following "water quality".

And after some time, Hon. Mr. Tyler, seconded by Mr. Allaby, moved a sub-amendment, as follows:

SUB-AMENDMENT

In the amendment, delete the words "and delete all the words following "water quality", and, between the words "and" and "release", insert the words "ask the Department to".

Several Members rose on Points of Order regarding the acceptability of the sub-amendment.

Mr. Speaker declared a recess at 4.19 o'clock p.m.

4.39 o'clock p.m.

Mr. Speaker resumed the chair.

Mr. Speaker advised that he had made a correction to the sub-amendment in order that the sub-amendment conform with the usages of the House.

Mr. Speaker put the question on the sub-amendment as corrected as follows:

SUB-AMENDMENT

In the amendment, delete the words "and delete all the words following "water quality", and substitute the following:

and, between the words "and" and "release", insert the words "ask the Department to".

Hon. Mr. Valcourt rose on a Point of Order regarding the authority of the Speaker to amend the sub-amendment.

Mr. Speaker advised that it was within the discretion of the Speaker to make such changes as are necessary or advisable to ensure that motions are in proper form.

Several Members rose on Points of Order.

Mr. Speaker referred Members to paragraph 566 of *Beauchesne's Parliamentary Rules and Forms 6th Edition* which states:

§566 (1) When a Member hands a motion to the Speaker after having spoken in support of it, the Speaker may, before putting the question to the House, make such corrections as are necessary or advisable in order that it should conform with the usages of the House. *Journals*, April 28, 1924, pp. 186-88.

Mr. Speaker ruled the sub-amendment in order and advised that he had made no substantive changes but had merely added the words "and substitute the following" thus correcting the sub-amendment in order that it conform with the usages of the House.

Mr. Speaker put the question and the sub-amendment was carried.

It was agreed by unanimous consent to extend the period for Private Members' Motions.

Debate continued on the amendment as amended, as follows:

In the final paragraph of the motion delete the words "urgently call upon", and replace them with the following "endorse the plan of", and, between the words "and" and "release," insert the words "ask the Department to".

And the debate being ended and the question being put, the amendment as amended was carried.

And the debate being ended, and the question being put on Motion 91 as amended as follows:

WHEREAS a number of schools in the province have been experiencing structural problems or other problems related to their physical condition or ventilation; and

WHEREAS protecting the health of our province's young people must be a priority for government; and

WHEREAS parents and other citizens of the province are becoming increasingly concerned over the deteriorating state of many schools;

THEREFORE BE IT RESOLVED that this Legislative Assembly endorse the plan of the Department of Education to conduct a thorough and comprehensive inspection of each school in the province with respect to its physical condition, structural integrity, air and water quality and ask the Department to release the detailed results of its investigation to the people of New Brunswick and the Members of the Legislative Assembly at the earliest possible opportunity.

Motion 91 as amended was carried.

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

And after some further time, 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 31, *An Act to Amend the Regional Development Corporation Act.*

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

Bill 44, *Canadian Judgments Act.*

And the Committee asked leave to make a further report.

Pursuant to Standing Rule 78.1, Mr. Speaker 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.

And then, 5.59 o'clock p.m., the House adjourned.