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**No. 29**

Tuesday, February 16, 1999.

*1 o'clock p.m.*

Prayers.

**Documents Tabled**

Hon. Mrs. Breault laid upon the table of the House the Final Report of the Environmental Hypersensitivity Advisory Panel dated December 1, 1998.

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**Bills Introduced**

The following Bill was introduced and read the first time:

By Hon. Mr. Blanchard,

Bill 41, *An Act to Amend the Lotteries Act*.

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

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**Notices of Motions**

Mr. Mesheau gave Notice of Motion 122 that on Tuesday, February 23, 1999 he would move the following resolution, seconded by Mr. Green:

That an address be presented to Her Honour the Lieutenant-Governor, praying that she cause to be laid upon the table of the House a complete, item by item, detailed account of the \$56,963 paid as expenses to Sam Grana when he was the director of Film New Brunswick as outlined in Volume 2 of the 1998 Public Accounts for the fiscal year ended March 31, 1998.

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**Government Motions re Business of House**

Hon. Mr. Byrne announced it was the intention of the government that following Private Members' Motions, the House resolve itself into a Committee of Supply to consider the estimates of the Department of Health and Community Services.

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**Second Reading**

The Order being read for second reading of Bill 33, *Health Care Funding Guarantee Act*, a debate arose thereon.

And after some time, Mr. Lord moved in amendment, seconded by Mr. Green:

**AMENDMENT**

THAT the motion for second reading be amended by deleting all the words after the word "that" and substituting the following:

Bill 33, *Health Care Funding Guarantee Act*, be not now read a second time but that the order for second reading be discharged and the subject matter of the Bill be referred to the Standing Committee on Law Amendments.

And the question being put, and a debate arising,

Mr. Allaby raised a Point of Order that Hon. Mr. Valcourt was not speaking on the amendment. Mr. Speaker ruled that the Point of Order was well taken and advised that Members must speak to the matter under consideration which is a motion to refer the subject matter of the Bill to a committee.

And the debate being ended and the question being put, the amendment was negated on the following recorded division:

YEAS - 9

Hon. Mr. Valcourt	Mr. Robichaud	Mr. Mockler
Mr. Mesheau	Mr. D. Graham	Mr. Green
Mr. Lord	Mr. Sherwood	Ms. Weir

NAYS - 36

Hon. Mr. Lockyer	Hon. Mrs. Kingston	Mr. Steeves
Hon. Mr. Blanchard	Hon. Mr. O'Donnell	Mr. A. Landry
Hon. Mr. C. Thériault	Hon. Mr. Devereux	Mr. Armstrong
Hon. Mr. Byrne	Mr. LeBlanc	Mr. Olmstead
Hon. Mrs. Breault	Mr. McAdam	Mr. MacLeod
Hon. Mr. Richard	Mrs. Barry	Mr. Wilson
Hon. Mrs. Day	Hon. Mr. MacDonald	Ms. de Ste. Croix
Mr. Blaney	Hon. Mr. H. Doyle	Mr. Flynn
Hon. Mr. Jamieson	Mr. Allaby	Mr. J. Doyle
Hon. Mr. B. Thériault	Mrs. Jarrett	Mr. D. Landry
Hon. Mrs. Mersereau	Mr. Smith	Mr. S. Graham
Hon. Mr. Gay	Mr. Doucet	Mr. Kavanaugh

Debate continued on the motion that Bill 33, *Health Care Funding Guarantee Act*, be now read a second time.

And after some time Mr. Robichaud rose on a Point of Order, his point of order being that under Standing Rule 44(1) the first Order of the Day shall be Private Members' Public Business.

Mr. Speaker advised that according to the Standing Rules Bills that have received first reading stand ordered for second reading at the next sitting of the House.

Continuing, Mr. Speaker noted that the practice had been to place Bills ordered for second reading on the Order and Notice Paper as the first order of business under Orders of the Day.

Mr. Speaker further stated that although the Standing Rules did not address this item of business (second and third reading of Bills), the practice for several years had been to follow this order of business.

Hon. Mr. Valcourt submitted that pursuant to the Standing Rules, the House should proceed directly to Private Members' Motions.

Mr. Speaker noted that no objections had been raised when debate was commenced on second reading, and as this had been the practice of the House, debate on second reading of Bill 37 would continue.

And the debate continuing,

And the debate being ended, and the question being put that Bill 33 be now read a second time, it was resolved in the affirmative on the following recorded division:

YEAS - 33

Hon. Mr. Lockyer	Hon. Mr. O'Donnell	Mr. A. Landry
Hon. Mr. Byrne	Hon. Mr. Devereux	Mr. Johnson
Hon. Mrs. Breault	Mr. LeBlanc	Mr. Olmstead
Hon. Mrs. Day	Mr. McAdam	Mr. MacLeod
Mr. Blaney	Mrs. Barry	Mr. Wilson
Hon. Mr. Jamieson	Hon. Mr. MacDonald	Ms. de Ste. Croix
Hon. Mr. B. Thériault	Mr. Allaby	Mr. Flynn
Hon. Mrs. Mersereau	Mrs. Jarrett	Mr. J. Doyle
Hon. Mr. Gay	Mr. Smith	Mr. D. Landry
Hon. Mrs. Kingston	Mr. Doucet	Mr. S. Graham
Hon. Mr. Savoie	Mr. Steeves	Mr. Kavanaugh

NAYS - 7

Hon. Mr. Valcourt	Mr. Robichaud	Mr. Mockler
Mr. Mesheau	Mr. D. Graham	Mr. Green
Mr. Lord		

Accordingly, Bill 33, *Health Care Funding Guarantee Act*, was read a second time and ordered referred to the Committee of the Whole House.

Hon. Mr. Valcourt rose on a Point of Order, his point of order being that Standing Rule 44(1) stipulates that on Tuesdays and Thursdays the first Order of the Day shall be Private Members' Public Business. Hon. Mr. Valcourt submitted that the Rules of the House take precedence over tradition, and accordingly, the House should revert to Private Members' Public Business.

**Speaker's Ruling**

Mr. Speaker delivered the following ruling:

Honourable members, the member for Edmundston has a very good point; however, we are dealing with rules that have evolved over many, many years. They are rules that have been changed for various reasons. I am in possession of the *Standing Rules of the Legislative Assembly* going back as far as 1963, at which time the order of business was clearly stated in the rules. At that time, the order of business commenced with prayers and immediately went to reading of Bills. First of all, there was third reading of Bills, then second reading of Bills, and so forth.

The rules have been amended. One of the changes that took place -- I believe it was in 1985 -- was the inclusion of a period of time dedicated strictly to private members' motions. The rule is very clear. As the member for Edmundston has stated, Rule 44(1) says: "On Tuesdays and Thursdays, commencing on the second Tuesday of the session, the first Order of the Day shall be Private Members' Public Business which shall be taken up for not more than one hundred and twenty minutes."

With regard to the question of reading of Bills, the rules are silent on that issue. However, there must be an occasion whereby we can deal with the reading of Bills, in particular the second reading of Bills. The rules do not address that. That is, perhaps, something that is an omission and that should be corrected. For many, many years, the routine that we have followed is the routine presented on the Order Paper, which deals with second reading and third reading of Bills as the first items under Orders of the Day.

I have no recourse but to accept that this was a procedure that both sides of the House, all Members of the House, have accepted for many, many years without objection. In fact, I can do nothing else but suggest that perhaps this question that the honourable member for Edmundston has raised be referred to the Standing Committee on Procedure to clarify the issue.

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Mr. Speaker referred the matter of the order of consideration of Bills to the Standing Committee on Procedure.

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The following Bills were read the second time and ordered referred to the Committee of the Whole House:

Bill 34, *An Act to Amend the Public Service Superannuation Act.*

Bill 35, *An Act to Amend the Gasoline and Motive Fuel Tax Act.*

Bill 36, *An Act to Amend the Tobacco Tax Act.*

Bill 37, *An Act to Amend the Revenue Administration Act.*

Bill 38, *Special Corporate Continuance Act.*

Bill 39, *An Act to Amend the Parks Act.*

Bill 40, *An Act to Amend the Electric Power Act.*

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### **Private Members' Motions**

Debate resumed on Motion 3 as amended, as follows:

WHEREAS any poverty in New Brunswick has a devastating impact on children and family;

BE IT RESOLVED that the Legislative Assembly urge the provincial government to build upon its commitments to combat child and family poverty in New Brunswick.

And after some time, Mr. Speaker interrupted proceedings and advised that the time allotted for Private Members' Motions had expired.

And then, 6.03 o'clock p.m., the House adjourned.

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

- Documents requested in Notices of Motions 61, 87, 98, and 105 - February 12, 1999