



LEGISLATIVE ASSEMBLY OF NEW BRUNSWICK

Third Session, 56th Legislative Assembly

ORDER AND NOTICE PAPER - Sitting No. 49
Tuesday, May 26, 2009

ROUTINE PROCEEDINGS

Prayers
Condolences and Messages of Sympathy (*Prior Notice to Speaker*)
Introduction of Guests
Messages of Congratulation and Recognition (10 minutes)
Presentations of Petitions
Answers to Petitions and Written Questions
Presentations of Committee Reports
Tabling of Documents
Statements by Ministers
Statements by Members (10 minutes)
Oral Questions (30 minutes)
Introduction of Bills
Notices of Motions
Notice of Opposition Members' Business
Government Motions for the Ordering of the Business of the House
Orders of the Day

ORDERS OF THE DAY

GOVERNMENT BILLS AND ORDERS

GOVERNMENT BILLS FOR SECOND READING

Bills Ordered for Second Reading

- Bill 46, An Act to Amend the New Brunswick Income Tax Act
- Hon. Mr. V. Boudreau
- Bill 52, An Act to Amend the Municipalities Act - Hon. Mr. B. LeBlanc
- Bill 55, An Act to Amend the Teachers' Pension Act - Hon. Mr. Brewer
- Bill 56, An Act to Amend the Civil Service Act - Hon. Mr. Brewer
- Bill 58, An Act to Amend the Crown Lands and Forests Act - Hon. Mr. Stiles
- Bill 62, An Act to Amend the Agricultural Development Act - Hon. Mr. Ouellette
- Bill 68, An Act to Amend the Order of New Brunswick Act - Hon. Mr. S. Graham
- Bill 69, Automated Defibrillator Act - Hon. Mr. Murphy, Q.C.
- Bill 70, An Act to Amend the Motor Vehicle Act - Hon. Mr. Foran
- Bill 71, An Act to Amend the Highway Act - Hon. Mr. Foran
- Bill 72, An Act to Amend the Education Act - Hon. Mr. Lamrock
- Bill 73, An Act to Amend the Electricity Act - Hon. Mr. Keir
- Bill 75, New Brunswick Building Code Act - Hon. Mr. Foran
- Bill 76, An Act to Amend the Mining Act - Hon. Mr. Stiles
- Bill 77, An Act Respecting the Agricultural Development Board, the New Brunswick
Fisheries and Aquaculture Development Board and the Transfer of
Responsibility for Financial Assistance Programs - Hon. Mr. Ouellette
- Bill 78, An Act to Amend the Credit Unions Act - Hon. Mr. Burke, Q.C.
- Bill 79, An Act to Amend the Securities Act - Hon. Mr. Burke, Q.C.
- Bill 80, An Act to Amend the Public Service Labour Relations Act
- Hon. Mr. Brewer
- Bill 81, Condominium Property Act - Hon. Mr. Keir

Adjourned Debates

Resuming the adjourned debate on the motion that Bill 45, *An Act to Amend the Real Property Tax Act* [**Hon. Mr. V. Boudreau**] be now read a second time.

Resuming the adjourned debate on the motion that Bill 67, *An Act to Amend the Provincial Offences Procedure Act* [**Hon. Mr. Burke, Q.C.**] be now read a second time.

COMMITTEE OF THE WHOLE

Bill 26, Species at Risk Act - Hon. Mr. Stiles
 Bill 27, An Act to Amend the Gasoline and Motive Fuel Tax Act
 - Hon. Mr. V. Boudreau
 Bill 28, Limitation of Actions Act - Hon. Mr. Burke, Q.C.
 Bill 35, An Act to Amend the Nursing Homes Act - Hon. Mrs. Schryer
 Bill 39, An Act to Amend the Crown Lands and Forests Act - Hon. Mr. Stiles
 Bill 44, An Act to Amend the Small Business Investor Tax Credit Act
 - Hon. Mr. V. Boudreau
 Bill 48, An Act to Amend the Tobacco Sales Act - Hon. Mr. Murphy, Q.C.
 Bill 57, An Act to Amend the Judicature Act - Hon. Mr. Burke, Q.C.
 Bill 59, Recording of Evidence Act - Hon. Mr. Burke, Q.C.
 Bill 60, An Act to Amend the Family Services Act - Mr. Alward
 Bill 66, An Act to Repeal the Small Claims Act - Hon. Mr. Burke, Q.C.

PRIVATE BILLS STANDING REFERRED TO STANDING COMMITTEE ON PRIVATE BILLS

Bill 37, An Act to Amend An Act to Incorporate The New Brunswick Registered Barbers' Association - Mr. A. LeBlanc
 Bill 63, An Act to Amend An Act Respecting the Law Society of New Brunswick
 - Mr. McGinley, Q.C.
 Bill 64, An Act to Incorporate Les Religieux de Sainte-Croix d'Acadie - Mr. Collins
 Bill 65, An Act to Amend the Pension Plan for Employees of the City of Moncton Act - Mr. Collins

BILLS AWAITING ROYAL ASSENT

Bill 29, An Act Respecting the New Brunswick College of Dental Hygienists
 - Mr. Collins
 Bill 34, An Act to Provide for the Amalgamation of the Trustees of Certain Presbyterian Churches in Saint John, New Brunswick - Mr. Holder
 Bill 42, An Act Respecting The Roman Catholic Bishop of Saint John
 - Ms. Robichaud
 Bill 51, An Act Respecting Respiratory Therapists - Mr. Miles

COMMITTEE OF SUPPLY

Main Estimates 2009 - 2010
 Capital Estimates 2009 - 2010
 Supplementary Estimates 2008-2009 Volume I (Adopted December 10, 2008)
 Supplementary Estimates 2007-2008 Volume III (Adopted December 10, 2008)

GOVERNMENT MOTIONS

CONCLUDED

Motion 8 by Hon. Mr. Murphy, Q.C. Carried November 26, 2008.

Motion 16 by Hon. Mr. V. Boudreau. Debated and carried December 9, 2008.

Motion 24 by Hon. Mr. Burke, Q.C. Debated and carried December 16, 2008.

Motion 29 by Hon. Mr. V. Boudreau. Debated March 19, 20, 24, 25 and 27
and carried March 27, 2009.

Motion 31 by Hon. Mr. Murphy, Q.C. Carried December 17, 2008.

Motion 34 by Hon. Mr. Murphy, Q.C. Carried December 18, 2008.

Motion 38 by Hon. Mr. Byrne, Q.C. Carried March 18, 2009.

Motion 55 by Hon. Mr. S. Graham. Debated and carried April 17, 2009.

MOTIONS BY GOVERNMENT PRIVATE MEMBERS

CONCLUDED

Motion 48 by Mr. Collins. Withdrawn April 3, 2008.

OPPOSITION MEMBERS' BUSINESS

OPPOSITION MEMBERS' PUBLIC BILLS

Opposition Members' Public Bills for Second Reading

Bill 74, An Act to Amend the Motor Vehicle Act - Mr. MacDonald

Adjourned Debates

Resuming the adjourned debate on the motion that Bill 50, *Uranium Moratorium Act* **[Mr. Betts]** be now read a second time.

Resuming the adjourned debate on the amendment to the motion that Bill 53, *Lobbyists Registration Act* **[Mr. Alward]** be now read a second time.

OPPOSITION MEMBERS' MOTIONS

Debatable Motions

Motion 26 by Mr. MacDonald, seconded by Mr. Northrup to propose the following resolution on Thursday, December 18, 2008:

WHEREAS New Brunswick's forest industry is undergoing unprecedented changes and hardships; and

WHEREAS these hardships are being felt by thousands of New Brunswickers including the 40,000 woodlot-owning families; and

WHEREAS the seven regional woodlot marketing boards and the Federation of Woodlot Owners are also being negatively impacted by the economic crisis facing the industry; and

WHEREAS these eight organizations provide considerable support and services to the industry, including silviculture, certification, education and training, market development, forest management, administration of government programs, non-timber forest products, woodlot owner rights, and day-to-day inquiries; and

WHEREAS in 2007, the Self-Sufficiency Task Force recommended that the Government should "*support private woodlot marketing boards in strengthening their role with respect to silviculture, certification, education and market development,*" and that said recommendation should be acted upon within one year; and

WHEREAS in January 2008, the Government of Canada provided the Government of New Brunswick with \$30 million through the Community Development Trust; and

WHEREAS the province and the forestry industry would benefit from having strong private woodlot marketing boards and a strong federation; therefore

BE IT RESOLVED that this Legislative Assembly urge the government to consider the advisability of providing a one per cent per acre tax sharing on the private woodlot land base to the Federation of Woodlot Owners and another one cent per acre tax sharing on the private woodlot land base to the regional marketing boards as a source of sustainable funding; and, that said tax sharing, if implemented, remain in place for a period of three years.

[Debate interrupted due to expiration of time.]

Motion 54 by Mr. Alward, seconded by Mr. Fitch to propose the following resolution on Thursday, April 23, 2009:

WHEREAS economies across Canada have been in a state of decline during recent months and local, provincial and federal governments have been searching for tools to infuse money into regions to generate more stable financial markets; and

WHEREAS the province of New Brunswick is currently facing an extremely difficult financial position with yearly deficits increasing and the provincial net debt growing at an unsustainable rate that will have negative impacts on the province's finances for decades and generations to come; and

WHEREAS research and development funds must be a key component to revitalizing the New Brunswick economy by investing money in education, technology, infrastructure, and industry; and

WHEREAS New Brunswick currently ranks as one of the lowest amongst all Canadian Provinces for investments in research and development from federal, provincial, business, non-profit organizations, higher education, and foreign investment sectors; therefore

BE IT RESOLVED that this Legislative Assembly urge the government to seek out every available resource for increased funding including new federal, provincial, and private industry funds so that this vital component of our economy can help New Brunswickers and our businesses revitalize our provincial economy in order to return this province to one of job creation, prosperity, and a leader in technology, research and development of world class products and services.

[Debate interrupted due to expiration of time.]

Motion 59 by Mr. Jack Carr, seconded by Mrs. Blaney to propose the following resolution on Thursday, May 21, 2009:

WHEREAS ambulance service is a vital and integral aspect of our provincially delivered and operated healthcare system; and

WHEREAS the government chose to consolidate ambulance services into one public sector company; and

WHEREAS Ambulance New Brunswick was designed to better deliver ambulance service to the people of New Brunswick and serves now as a critical component of our healthcare system; and

WHEREAS it has become apparent that there are issues surrounding deployment, proper global positioning systems, up to date road condition information, resources including the number of vehicles and paramedics in the system; and

WHEREAS our publicly delivered healthcare system should not discriminate against a person's ability to pay for services during an emergency situation or for medically necessary transportation from one place to another; therefore

BE IT RESOLVED that this Legislative Assembly unanimously urge the government to reconsider the \$130 ambulance user fee so that all New Brunswickers may continue to utilize this essential emergency service free of charge; and

BE IT FURTHER RESOLVED that outstanding issues related to deployment, global positioning systems, up to date road condition information and all available resources be resolved immediately so that New Brunswick's paramedics can do their jobs.

[Debate interrupted due to expiration of time.]

Motion 61 by Mr. Fitch, seconded by Mr. D. Graham to propose the following resolution on Thursday, May 28, 2009:

WHEREAS the province of New Brunswick is experiencing significant financial hardship due to the current global economic slowdown; and

WHEREAS the current economic climate in New Brunswick has undergone a significant downturn due to unfavourable global markets and significant decreases in credit and capital available to New Brunswick business owners; and

WHEREAS the vast majority of New Brunswick businesses are small to medium sized proprietorships that serve the very backbone of our economy; and

WHEREAS these businesses include agricultural producers, forestry, fisheries, tourism operators, service providers, retail sales and many other forms of commerce that our province relies on for both food production and major aspects of the provincial economy; and

WHEREAS these businesses rely on borrowing capital from financial institutions to operate and to grow their businesses and that of the provincial economy; and

WHEREAS in recent months it has been extremely difficult for these businesses to obtain loans due to the lack of credit being offered; therefore

BE IT RESOLVED that this Legislative Assembly urge the government to convene a business summit to be attended by government departments, bank representatives, business community stakeholders and individuals to discuss how the government may work together with banks and businesses to ensure that credit and loans are available so that this vital aspect of our economy does not collapse under the current conditions.

OPPOSITION MEMBERS' MOTIONS

Motions for Returns

Motion 3 by Mr. Steeves, seconded by Mr. Urquhart to propose the following resolution on Thursday, December 4, 2008:

That an address be presented to His Honour the Lieutenant-Governor, praying that he cause to be laid upon the table of the House all financial information detailing the full cost to change and implement the Government's new logo for each department and agency including the cost associated with updating websites, business cards, letterhead and any other government material on which the New Brunswick logo was changed for use.

Motion 20 by Mr. Steeves, seconded by Mr. Alward to propose the following resolution on Thursday, December 11, 2008:

That an address be presented to His Honour the Lieutenant-Governor, praying that he cause to be laid upon the table of the House all information in the possession of government however recorded or stored related to any government contract or spending by any department, agency or corporation on advertising by any means, including any information related to advertising costs from Ministers promoting their position within any department agency or corporation since December 30, 2007.

Motion 32 by Mrs. Blaney, seconded by Mr. Williams to propose the following resolution on Thursday, December 25, 2008:

That an address be presented to His Honour the Lieutenant-Governor, praying that he cause to be laid upon the table of the House all information, in any format, in the possession of the Government related to advertising purchased to promote the Department of Health, services the Department provides or the Minister responsible since March 1st, 2008 to December 18th, 2008.

Motion 36 by Mr. Holder, seconded by Mr. Robichaud to propose the following resolution on Thursday, March 26, 2009:

That an address be presented to His Honour the Lieutenant-Governor, praying that he cause to be laid upon the table of the House all information in the possession of government including emails, memorandum, correspondence of any kind and meeting minutes, however recorded or stored related to the government's decision to end the Home Heating Assistance Program and initiate the Warm Hearts Warm Homes program offered through the Salvation Army.

Motion 43 by Mr. Harrison, seconded by Mr. Holder to propose the following resolution on Thursday, April 2, 2009:

That an address be presented to His Honour the Lieutenant-Governor, praying that he cause to be laid upon the table of the House detailed information including all studies and reports, all correspondence, memorandum, minutes of meetings and public consultation that led to the decision to cancel public ferry services.

[Documents requested filed May 4, 2009]

Motion 44 by Mr. Williams, seconded by Mr. Robichaud to propose the following resolution on Thursday, April 2, 2009:

That an address be presented to His Honour the Lieutenant-Governor, praying that he cause to be laid upon the table of the House detailed information, including flight records, final destinations, duration of stay, unscheduled stops, and a list of occupants on each flight, however recorded, stored or archived, by electronic means or otherwise, related to the operation and usage of any provincially leased or owned airplane since June 18, 2008.

[Documents requested filed May 4, 2009]

Motion 45 by Mr. C. LeBlanc, seconded by Mrs. Blaney to propose the following resolution on Thursday, April 2, 2009:

That an address be presented to His Honour the Lieutenant-Governor, praying that he cause to be laid upon the table of the House all information in the possession of the government including studies, reports, all transport statistics including the number of calls that were in response to 911 emergencies, the number of calls that were between hospitals, the number of calls between nursing homes and hospitals or non-emergency transportation between homes and hospitals related to ambulance service in New Brunswick since April 1st, 2005.

Motion 49 by Mr. Fitch, seconded by Mr. Alward to propose the following resolution on Thursday, April 9, 2009:

That an address be presented to His Honour the Lieutenant-Governor, praying that he cause to be laid upon the table of the House all information in the possession of government however recorded or stored related to any and all expenses related to the promotion of the 2009 - 2010 Provincial Budget including all advertising costs of any nature and services paid to marketing or public relations firms and the names of those companies that were paid for their services.

[Documents requested filed May 7, 2009]

Motion 50 by Mrs. Blaney, seconded by Mr. Alward to propose the following resolution on Thursday, April 9, 2009:

That an address be presented to His Honour the Lieutenant-Governor, praying that he cause to be laid upon the table of the House all information in the possession of government however recorded or stored related to any and all correspondence, memorandums, or minutes of meetings in any format between the Minister of Health, Canadian Blood Services and any other agency, organization or entity related to New Brunswick's Blood Distribution Centre in Saint John.

Motion 53 by Mr. Williams, seconded by Mr. Fitch to propose the following resolution on Thursday, April 23, 2009:

That an address be presented to His Honour the Lieutenant-Governor, praying that he cause to be laid upon the table of the House a list of all contracts awarded through the Department of Supply and Services including personal service contracts, that received an exemption under section 27 of the Regulations of the *Public Purchasing Act* including the department that issued the contract, the names of any individuals or companies that received contracts and the dollar amount that was awarded from April 1, 2008 to March 31, 2009.

[Documents requested filed May 15, 2009]

Motion 56 by Mr. C. Landry, seconded by M^{me} Dubé to propose the following resolution on Thursday, April 30, 2009:

That an address be presented to His Honour the Lieutenant-Governor, praying that he cause to be laid upon the table of the House all records and documents in government possession, however recorded or stored, related to any domestic or international travel by the Minister of Education, his staff, or members of his department and the reason for each trip, since October 3rd, 2006.

Motion 57 by Mr. Fitch, seconded by Mr. Williams to propose the following resolution on Thursday, May 7th, 2009:

That an address be presented to His Honour the Lieutenant-Governor, praying that he cause to be laid upon the table of the House a list of all persons that travelled to Toronto during the Premiers' March 31st visit to the Economic Club of Canada, all persons that travelled on behalf of the Department of Business New Brunswick, the Office of the Premier, or any government department, including any other person that travelled to Toronto during the period in question that was paid for by the government and any expenses that were incurred.

[Documents requested filed May 22, 2009]

Motion 58 by Mr. Urquhart, seconded by Mr. Huntjens to propose the following resolution on Thursday, May 21st, 2009:

That an address be presented to His Honour the Lieutenant-Governor, praying that he cause to be laid upon the table of the House all documentation or communication however recorded or stored, related to any cost analysis, reports, community discussions or third party consultation related to the decision to build the new jail in Shediac.

CONCLUDED:

Motion 9 by Mr. Alward. Debated and carried as amended December 4, 2008.
Motion 21 by Ms. Dubé. Debated and carried as amended December 18, 2008.
Motion 39 by Mr. Alward. Debated and carried as amended March 26, 2009.
Motion 46 by Mr. Fitch. Debated and defeated April 2, 2009.
Motion 51 by Mrs. Blaney. Debated and carried April 2, 2009.
Motion 52 by Mr. MacDonald. Debated and carried as amended April 23, 2009.
Motion 60 by Ms. Dubé. Debated and carried as amended May 21, 2009.

WITHDRAWN AS DOCUMENTS TABLED

Motions 1, 2, 4, 5, 6, 7, 10, 11, 12, 13, 14, 15, 17, 19, 22, 23, 25, 27, 28, 30 and 33 withdrawn March 18, 2009.

Motions 18, 35, 37, 40, 41, 42 and 47 withdrawn April 30, 2009.

PETITIONS

Petition 1: Mr. C. LeBlanc, November 26, 2008.	(Response, December 10, 2008)
Petition 2: Mr. Steeves, November 26, 2008.	(Response, December 2, 2008)
Petition 3: Mr. Steeves, November 26, 2008.	(Response, December 10, 2008)
Petition 4: Mr. C. LeBlanc, November 28, 2008.	(Response, December 10, 2008)
Petition 5: Mr. Williams, November 28, 2008.	(Response, December 16, 2008)
Petition 6: Mr. C. LeBlanc, December 2, 2008.	(Response, December 15, 2008)
Petition 7: Mr. Urquhart, December 2, 2008.	(Response, December 15, 2008)
Petition 8: Mr. Fitch, December 2, 2008.	(Response, December 19, 2008)
Petition 9: Mr. C. LeBlanc, December 3, 2008.	(Response, December 15, 2008)
Petition 10: Mr. Urquhart, December 3, 2008.	(Response, December 15, 2008)
Petition 11: Mr. C. LeBlanc, December 4, 2008.	(Response, December 23, 2008)
Petition 12: Mr. Harrison, December 4, 2008.	(Response, December 18, 2008)
Petition 13: Mr. Northrup, December 4, 2008.	(Response, December 18, 2008)
Petition 14: Mr. D. Graham, December 4, 2008.	(Response, January 14, 2009)
Petition 15: Mr. C. LeBlanc, December 9, 2008.	(Response, December 18, 2008)
Petition 16: Ms. Dubé, December 10, 2008.	(Response, December 23, 2008)
Petition 17: Mr. Williams, December 11, 2008.	(Response, December 17, 2008)
Petition 18: Mr. Olscamp, December 16, 2008.	(Response, December 19, 2008)
Petition 19: Mr. Betts, December 16, 2008.	(Response, January 6, 2009)
Petition 20: Ms. Poirier, December 17, 2008.	(Response, January 21, 2009)
Petition 21: Mr. Williams, December 17, 2008.	(Response, January 6, 2009)
Petition 22: Mr. Williams, December 18, 2008.	(Response, January 26, 2009)
Petition 23: Mr. Betts, December 18, 2008.	(Response, January 9, 2009)
Petition 24: Mr. Steeves, March 18, 2009.	(Response, April 1, 2009)

Petition 25: Mr. Alward, March 20, 2009.	(Response, April 1, 2009)
Petition 26: Mr. Harrison, March 20, 2009.	(Response, April 3, 2009)
Petition 27: Mr. Northrup, March 24, 2009.	(Response, April 1, 2009)
Petition 28: Mr. Northrup, March 25, 2009.	(Response, April 1, 2009)
Petition 29: Mr. McGinley, March 26, 2009.	(Response, April 9, 2009)
Petition 30: Mr. Northrup, March 26, 2009.	(Response, April 7, 2009)
Petition 31: Hon. Mr. Albert, March 26, 2009.	(Response, April 20, 2009)
Petition 32: Mr. Northrup, March 31, 2009.	(Response, April 7, 2009)
Petition 33: Mr. Betts, April 2, 2009.	(Response, April 22, 2009)
Petition 34: Mr. Williams, April 14, 2009.	(Response, April 22, 2009)
Petition 35: Mr. Betts, April 15, 2009.	(Response, April 22, 2009)
Petition 36: Mr. Williams, April 16, 2009.	(Response, April 22, 2009)
Petition 37: Mr. Harrison, April 17, 2009.	(Response, May 4, 2009)
Petition 38: Mrs. Blaney, April 21, 2009.	(Response, May 19, 2009)
Petition 39: Mr. Holder, April 21, 2009.	(Response, May 4, 2009)
Petition 40: Mr. Harrison, April 21, 2009.	(Response, May 5, 2009)
Petition 41: Mrs. Blaney, April 22, 2009.	(Response, May 19, 2009)
Petition 42: Mr. Holder, April 22, 2009.	(Response, May 4, 2009)
Petition 43: Mrs. Blaney, April 23, 2009.	(Response, May 19, 2009)
Petition 44: Mr. Holder, April 23, 2009.	(Response, May 4, 2009)
Petition 45: Mr. Harrison, April 23, 2009.	(Response, May 5, 2009)
Petition 46: Mr. MacDonald, April 23, 2009.	(Response, May 4, 2009)
Petition 47: Mrs. Poirier, April 23, 2009.	(Response, May 7, 2009)
Petition 48: Mr. Holder, April 24, 2009.	(Response, May 4, 2009)
Petition 49: Mrs. Blaney, April 24, 2009.	(Response, May 19, 2009)
Petition 50: Ms. Lavoie, May 15, 2009.	
Petition 51: Ms. Dubé, May 21, 2009.	

COMMITTEE REPORTS

First Report of the Standing Committee on Law Amendments

(Presented by Hon. Mr. Burke, Q.C. April 3, 2009)

Second Report of the Standing Committee on Law Amendments

(Presented by Hon. Mr. Burke, Q.C. May 12, 2009)

First Report of the Standing Committee on Private Bills

(Presented by Mr. Kennedy May 12, 2009)

Final Report of the Select Committee on Tax Review

(Presented by Mr. MacIntyre December 12, 2008)

Final Report of the Select Committee on Wellness

(Presented by Mr. Collins on November 26, 2008)

COMMITTEE MEETINGS

The Standing Committee on Procedure will meet on Wednesday, May 27, 2009, at 12:30 p.m. in the Speaker's Conference Room.

Loredana Catalli Sonier
Clerk of the Legislative Assembly