

1975 Bill 35  
(Second Session)

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First Session, 18th Legislature, 24 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

**BILL 35**

THE LEGISLATIVE ASSEMBLY AMENDMENT ACT, 1975

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HONOURABLE MR. HYNDMAN

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First Reading .....

Second Reading .....

Third Reading .....

# BILL 35

1975

(Second Session)

## THE LEGISLATIVE ASSEMBLY AMENDMENT ACT, 1975

(Assented to \_\_\_\_\_, 1975)

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

1. *The Legislative Assembly Act is hereby amended.*

2. *Section 10, subsection (4) is amended by adding the word "or" at the end of clause (d) and by adding the following clauses after clause (d):*

- (e) any person who is a member of a board, commission or other body created by an Act of the Legislature and who holds office as a member at the nomination of the Lieutenant Governor in Council, other than a person who is a member of any of the following:
  - (i) the Alberta Assessment Appeal Board;
  - (ii) the Alberta Assessment Equalization Board;
  - (iii) The Alberta Educational Communications Corporation;
  - (iv) the Alberta Human Rights Commission;
  - (v) The Alberta Liquor Control Board;
  - (vi) the Alberta Racing Commission;
  - (vii) the Alberta Securities Commission;
  - (viii) the Board of Directors of the Alberta Opportunity Company;
  - (ix) the Board of Industrial Relations;
  - (x) The Crimes Compensation Board;
  - (xi) the Driver Control Board;
  - (xii) the Energy Resources Conservation Board;

## Explanatory Notes

**1.** This Bill will amend chapter 204 of the Revised Statutes of Alberta 1970.

**2.** Section 10 (1) and (4) presently read:

**10.** (1) Except as hereinafter particularly provided, a person

(a) accepting or holding any office, commission or employment either

(i) in the service of the Government of Canada, or

(ii) in the service of the Government of Alberta,

at the nomination of the Crown or of the Lieutenant Governor and to which is attached a salary, or any fee, allowance or emolument in lieu of a salary, from the Crown or from the Province, or

(b) accepting or holding any office, commission, or employment of profit at the nomination of the Crown, or of the Government, or of any head of a department in the Government of Alberta, whether the profit is or is not payable out of the public funds,

is not eligible to be a member of the Legislative Assembly, or to sit or vote in the Legislative Assembly during the time he holds the office, commission or employment.

(4) Nothing in this section renders ineligible to be a member of the Legislative Assembly.

(a) any person who is a member of the Executive Council, or

(b) any officer of the Canadian Forces, or

(c) any officer in the militia or militiaman, except officers on the staff of the militia receiving permanent salaries, or

(d) any justice of the peace, coroner or notary public.

- (xiii) the Land Compensation Board;
- (xiv) the Law Enforcement Appeal Board;
- (xv) the Local Authorities Board;
- (xvi) The Motor Transport Board;
- (xvii) the Provincial Planning Board;
- (xviii) the Public Utilities Board;
- (xix) the Surface Rights Board;
- (xx) The Workers' Compensation Board;
- or
- (f) a person holding office as a member of the board of directors of Syncrude Canada Limited at the nomination of the Crown in right of Alberta or any person acting on behalf of the Crown in right of Alberta.

3. *Section 14 is amended*

(a) *as to subsection (1) by striking out all that portion of the subsection following clause (a) and by substituting the following:*

- (b) serving as a delegate to any meeting of the Canadian Parliamentary Association or any committee or sub-committee thereof or to any meeting held under the auspices of the Canadian Parliamentary Association or the Commonwealth Parliamentary Association, or
- (c) attending any meeting or event as a representative of the Legislative Assembly, the Speaker of the Assembly, the Government of Alberta or a Minister of the Crown,

may accept reasonable travelling and living expenses in connection therewith, and the acceptance of such expenses does not render that member ineligible to be a member of the Legislative Assembly or to sit or vote in the Assembly.

(b) *by striking out subsection (2) and by substituting the following:*

(2) Notwithstanding any other provision of this Act, a person is not ineligible to be a member of the Assembly or to sit or vote in the Assembly by reason only of

- (a) the acceptance by the member of the Assembly of any fees or of any reasonable travelling or living expenses while serving as a member, at the nomination of the Lieutenant Governor in Council, of a board, commission or other body created by an Act of the Legislature, whether such fees or expenses are paid by that

**3. Section 14 presently reads:**

14. (1) Notwithstanding any other provision of this Act, a member of the Legislative Assembly

- (a) serving on a commission or committee appointed either by the Legislative Assembly or by the Lieutenant Governor in Council, or
- (b) serving as a delegate to any meeting of the Commonwealth Parliamentary Association,

may be paid such sum of money for travelling expenses and subsistence in connection therewith as the Lieutenant Governor in Council deems proper, and the receipt of any such money does not render that member ineligible to be a member.

(2) Where no fixed amount has been provided for travelling and subsistence expenses of committees, commissions or delegates, the money shall only be paid to a member upon the member furnishing vouchers or such other evidence of payments made by him as is considered sufficient.

board, commission or other body or by the Government or by both, but only if

- (i) in the case of fees, the rate of fees is prescribed by the Lieutenant Governor in Council, and
  - (ii) in the case of expenses, the Lieutenant Governor in Council also authorizes the acceptance of reasonable travelling and living expenses by that member;
- (b) the acceptance by the member of the Assembly of fees or of reasonable travelling or living expenses while serving on the board of directors of Syncrude Canada Limited at the nomination of the Crown in right of Alberta or a person acting on behalf of the Crown in right of Alberta but only if
- (i) in the case of fees, the rate of fees is prescribed by the Lieutenant Governor in Council, and
  - (ii) in the case of expenses, the Lieutenant Governor in Council also authorizes the acceptance of reasonable travelling and living expenses by that member;
- (c) the use by the member of any service or thing if the cost of providing that service or thing is paid from moneys appropriated by the Legislature for that purpose.

(3) For the purposes of this section,

- (a) a member of the Assembly accepts travelling or living expenses when he accepts reimbursement for those expenses or when the expenses are paid by the Government or the board, commission or other body, as the case may be, directly to the person entitled to payment in respect of those expenses;
- (b) the Provincial Auditor shall determine in each case the reasonableness of any travelling or living expenses in the absence of an order of the Lieutenant Governor in Council that fixes the amount of those expenses;
- (c) any registration fee payable in connection with the attendance by a member of the Assembly at any meeting or event shall be deemed to be a reasonable travelling or living expense.

(4) The Provincial Treasurer shall, after the end of each Government fiscal year, prepare a report showing

- (a) the names of each board, commission or other body referred to in subsection (1), clause (a)



or subsection (2) and the members of the Assembly who served on those boards, commissions or other bodies during that fiscal year, and

(b) the amounts paid in that fiscal year by the Government as fees and as travelling and living expenses under this section in respect of each member of the Assembly and the persons to whom and when those amounts were paid, and upon preparation of the report shall lay the report before the Assembly, if it is then sitting or, if it is not then sitting, shall lay the report before the Assembly within 15 days after the commencement of the next sitting of the Assembly.

*4. This Act comes into force on the day upon which it is assented to.*