

1999 BILL 36

Third Session, 24th Legislature, 48 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 36

GAMING AND LIQUOR AMENDMENT ACT, 1999

THE MINISTER OF ECONOMIC DEVELOPMENT

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 36

1999

GAMING AND LIQUOR AMENDMENT ACT, 1999

(Assented to _____, 1999)

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

Amends SA
1996 cG-0.5

1 The *Gaming and Liquor Act* is amended by this Act.

2 The following is added after section 6:

Policies

6.1(1) The Minister may make policies that must be followed by the Commission, the board or both in carrying out their powers and duties under this Act.

(2) The *Regulations Act* does not apply to policies made under subsection (1).

3 Section 9 is repealed.

4 Section 10(4) is repealed.

5 Section 18 is amended by renumbering it as section 18(2) and by adding the following before subsection (2):

Responsibilities of c.e.o.

18(1) The Lieutenant Governor in Council may appoint a chief executive officer of the Commission for a term specified in the appointment.

Explanatory Notes

- 1** Amends chapter G-0.5 of the Statutes of Alberta, 1996.
- 2** Allows Minister to make policies for the Commission and board.
- 3** Section 9 presently reads:
9 The Chair is the chief executive officer of the Commission.
- 4** Section 10(4) presently reads:
(4) Despite subsection (3), an acting Chair does not have the functions, powers and duties of the chief executive officer.
- 5** Section 18 presently reads:
18 The chief executive officer is responsible for
 - (a) the administration of the Commission;*
 - (b) ensuring that the policies of the board are implemented;*

6 Section 19 is amended by striking out “Chair” wherever it occurs and substituting “chief executive officer”.

7 The following is added after section 46:

Video lottery
terminal
actions

46.1 No action or proceeding may be instituted or continued against the Crown or a Minister of the Crown, the Commission, the board or its members, the chief executive officer, inspectors or employees of the Commission based on any claim or cause of action, whether arising before or after the enactment of this section, for compensation, for loss or damages including exemplary damages or for injunctive or declaratory relief, whether based on contract, property, tort, equity, restitution, expropriation or otherwise, for

- (a) the removal of video lottery terminals from establishments,
- (b) the termination or cancellation of agreements with retailers,
- (c) the termination or cancellation of any rights of retailers connected with or arising from agreements with retailers, or
- (d) any act or omission authorized by this Act.

Municipal
plebiscites
1998

46.2(1) All agreements between the Commission and retailers respecting video lottery terminals existing immediately prior to the coming into force of this section and any rights of retailers connected with or arising from those agreements are hereby terminated and cancelled in the following municipalities:

- (a) County of Lethbridge No. 26;
- (b) Town of Lacombe;

(c) *advising and informing the board on the operation and affairs of the Commission;*

(d) *performing the duties and exercising the powers assigned to the Commission or to the chief executive officer by any enactment or by the board.*

6 Section 19 presently reads:

19(1) The Minister may designate an employee of the Commission to be acting chief executive officer when the Chair is unable to act or the office of the Chair is vacant.

(2) The Chair may designate an employee of the Commission to be acting chief executive officer when the Chair is absent.

(3) An acting chief executive officer has all of the functions, powers and duties of the chief executive officer, unless the designation provides otherwise.

7 Effect of municipal plebiscites. Application of amendment Act to existing agreements.

- (c) Municipal District of Opportunity No. 17;
- (d) Regional Municipality of Wood Buffalo;
- (e) Town of Canmore;
- (f) Town of Coaldale;
- (g) Town of Stony Plain.

(2) The Commission must remove all video lottery terminals from establishments located in the municipalities referred to in subsection (1).

(3) Subject to subsection (4), if the Commission has removed video lottery terminals from a municipality before the coming into force of this section as the result of a vote held in that municipality, the Commission may not

- (a) enter into agreements with retailers respecting video lottery terminals, or
- (b) place or replace any video lottery terminals in establishments

in that municipality.

(4) The Commission may not, in respect of any of the municipalities referred to in subsections (1) and (3), enter into an agreement with a retailer or place video lottery terminals in establishments unless a policy of the Minister under section 6.1 authorizes the Commission to do so.

(5) In this section, “video lottery terminal” means a video device from which payouts are made by means of paper slips that may be redeemed for cash.

Application to
existing
agreements

46.3(1) The *Gaming and Liquor Amendment Act, 1999* applies to all agreements with retailers existing on the coming into force of that Act.

(2) If there is a conflict between an agreement with a retailer and the *Gaming and Liquor Amendment Act, 1999*, the *Gaming and Liquor Amendment Act, 1999* prevails.

