

2003 Bill 229

Third Session, 25th Legislature, 52 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 229

**COST OF LIVING PROTECTION
STATUTES AMENDMENT ACT, 2003**

DR. PANNU

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 229

2003

COST OF LIVING PROTECTION STATUTES AMENDMENT ACT, 2003

(Assented to _____, 2003)

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

Assured Income for the Severely Handicapped Act

Amends RSA 2000 cA-45

1(1) The *Assured Income for the Severely Handicapped Act* is amended by this section.

(2) Section 18 is amended

(a) in subsection (1) by adding the following after clause (g):

(g.1) requiring that the amount of a handicap benefit provided under this Act be indexed to the cost of living as described in subsection (1.1);

(b) by adding the following after subsection (1):

(1.1) A regulation made under subsection (1)(g.1) may provide that the amount of the handicap benefit be adjusted on April 1 in each year by multiplying it by the indexing factor for that year.

(1.2) The indexing factor for a year is the percentage change in the Consumer Price Index for Alberta for all items between the month of January in that year and the same month in the previous year, as published by Statistics Canada.

Employment Standards Code

Amends RSA 2000 cE-9

2(1) The *Employment Standards Code* is amended by this section.

(2) Section 138 is amended

(a) in subsection (1) by adding the following after clause (f):

(f.1) requiring that a minimum wage fixed under this Act be indexed to the cost of living as described in subsection (1.1);

(b) by adding the following after subsection (1):

(1.1) A regulation made under subsection (1)(f.1) shall provide that a minimum wage be adjusted on April 1 in each year by multiplying it by the indexing factor for that year.

(1.2) The indexing factor for a year is the percentage change in the Consumer Price Index for Alberta for all items between the month of January in that year and the same month in the previous year, as published by Statistics Canada.

Income and Employment Supports Act

Amends RSA 2000 cl-0.5

3(1) The *Income and Employment Supports Act* is amended by this section.

(2) Section 18 is amended

(a) by renumbering it as section 18(1);

(b) in subsection (1) by adding the following after clause (u):

(u.1) requiring that the amount of assistance provided under Part 2 of this Act be indexed to the cost of living as described in subsection (2);

(c) by adding the following after subsection (1):

(2) A regulation made under subsection (1)(u.1) may provide that the amount of assistance provided under Part 2 be adjusted on April 1 in each year by multiplying it by the indexing factor for that year.

(3) The indexing factor for a year is the percentage change in the Consumer Price Index for Alberta for all items between

the month of January in that year and the same month in the previous year, as published by Statistics Canada.

Nursing Homes Act

Amends RSA 2000 cN-7

4(1) The *Nursing Homes Act* is amended by this section.

(2) Section 24 is amended

(a) by renumbering it as section 24(1);

(b) in subsection (1) by adding the following after clause (g):

(g.1) providing that any increases to the accommodation charges determined under this Act shall not exceed the cost of living indexing factor described in subsection (2);

(c) by adding the following after subsection (1):

(2) The indexing factor for a year is the percentage change in the Consumer Price Index for Alberta for all items between the month of January in that year and the same month in the previous year, as published by Statistics Canada.

Seniors Benefit Act

Amends RSA 2000 cS-7

5(1) The *Seniors Benefit Act* is amended by this section.

(2) Section 6 is amended

(a) by renumbering it as section 6(1);

(b) in subsection (1) by adding the following after clause (b):

(b.1) requiring that the amount of a benefit provided under this Act be indexed to the cost of living as described in subsection (2);

(c) by adding the following after subsection (1):

(2) A regulation made under subsection (1)(b.1) may provide that the amount of the benefit be adjusted on April 1 in each year by multiplying it by the indexing factor for that year.

(3) The indexing factor for a year is the percentage change in the Consumer Price Index for Alberta for all items between the month of January in that year and the same month in the previous year, as published by Statistics Canada.

Social Development Act

Amends RSA 2000 S-12

6(1) The *Social Development Act* is amended by this section.

(2) Section 30 is amended

(a) by renumbering it as section 30(1);

(b) in subsection (1) by adding the following after clause (e):

- (f) requiring that the amount of a social allowance or a handicap benefit provided under this Act be indexed to the cost of living as described in subsection (2).

(c) by adding the following after subsection (1):

(2) A regulation made under subsection (1)(f) may provide that the amount of the social allowance or handicap benefit be adjusted on April 1 in each year by multiplying it by the indexing factor for that year.

(3) The indexing factor for a year is the percentage change in the Consumer Price Index for Alberta for all items between the month of January in that year and the same month in the previous year, as published by Statistics Canada.

Coming into force

7 This Act comes into force on January 1, 2004.

Explanatory Notes

Assured Income for the Severely Handicapped Act

1(1) Amends chapter A-45 of the Revised Statutes of Alberta 2000.

(2) Section 18(1) presently reads:

18(1) The Lieutenant Governor in Council may make regulations

- (a) respecting the income of a person and the person's spouse or cohabiting partner that may be partially exempt, wholly exempt or not exempt for the purpose of determining the amount of a handicap benefit payable to that person;*
- (b) respecting the assets of a person and the person's spouse or cohabiting partner that may be exempt or not exempt for the purpose of determining the person's eligibility for a handicap benefit;*
- (c) respecting the types and categories of real property and personal property that constitute assets for the purposes of this Act;*
- (d) respecting the valuation of assets and the income generated by assets;*
- (e) respecting the requirements and procedures for conversion of an asset that is not exempt to an asset that is exempt;*

- (f) *respecting the power of the Director to deem income from or ownership of a trust;*
- (g) *respecting the nature, categories and amounts of handicap benefits and modified amounts of handicap benefits that may be provided under this Act;*
- (h) *respecting the reinstatement of eligibility of persons who received a handicap benefit but became ineligible;*
- (i) *defining for the purposes of this Act “dependent child”, “principal residence”, “severe handicap” and “cohabiting partner” and any other word or phrase used in this Act but not defined in this Act.*

Employment Standards Code

2(1) Amends chapter E-9 of the Revised Statutes of Alberta 2000.

(2) Section 138(1) presently reads:

138(1) The Lieutenant Governor in Council may make regulations

- (a) *exempting an employment, employer or employee from Part 2 or any provision of it;*
- (b) *modifying or substituting any provision of Part 2 in respect of an employment, employer or employee;*
- (c) *respecting fees for the purposes of this Act, including who may establish the fees, who is liable to pay the fees and the manner in which the fees may be recovered;*
- (d) *requiring an employer in an employment described in the regulations to provide an amount of money instead of providing an annual vacation and vacation pay or an amount of money instead of giving a general holiday with general holiday pay, the conditions of entitlement, what constitutes vacation pay and general holiday pay, the method of computing them, and when they must be paid, and designating days as general holidays;*
- (e) *prohibiting or regulating the employment of individuals under 18 years of age on the basis of their age, nature of employment or other circumstances and authorizing the Director to approve exceptions and to impose conditions on the employment;*
- (f) *fixing one or more minimum wages to be paid by employers to employees and authorizing the Director to approve exceptions, prohibiting or permitting deductions from the minimum wage and fixing the maximum amount to be charged for board or lodging, or both, that are provided by employers to employees;*

- (g) *authorizing an umpire to make an award concerning the imposition of costs specified in regulations, and specifying how those costs are to be recovered;*
- (h) *authorizing a person who collects money owing to an employee under an order filed in the Court to recover the costs of collection from the person against whom the order was made and respecting the manner in which the costs may be recovered;*
- (i) *respecting appeals from decisions of the Director on the certification of an individual under section 75 and the circumstances under which a certification under section 75 may be reviewed or revoked;*
- (j) *respecting the conduct of officers;*
- (k) *respecting the collection of the fees charged by a person engaged by the Director under section 72, who is liable to pay the fees and the manner in which they may be recovered;*
- (l) *specifying an operation to be a “primary agricultural operation” for the purpose of section 2.*

Income and Employment Supports Act

3(1) Amends chapter I-0.5 of the Revised Statutes of Alberta 2000.

(2) Section 18 presently reads in part:

18 The Lieutenant Governor in Council may make regulations

- (a) *respecting core income support payments and supplementary income support payments;*
- (b) *respecting other income support payments or benefits for the purposes of section 5(1)(c);*
- (c) *respecting the determination of the budgetary requirements of a household unit for the purposes of section 5(2)(a);*
- (d) *respecting the determination of the financial resources available to a household unit for the purposes of section 5(2)(b);*
- (e) *respecting the designation of a household unit as being included in a category referred to in section 6(1)(a);*
- (f) *respecting other categories for the purposes of section 6(1)(a)(iv);*

- (g) respecting the age and other requirements for the purpose of sections 6(3)(c)(i) or 10(b)(i);*
- (h) respecting the determination of financial eligibility for the purposes of this Part;*
- (i) respecting the conditions of eligibility for assistance under Part 2;*
- (j) respecting the determination of residency in Alberta and the residency requirements for the purposes of section 8(2)(a);*
- (k) respecting income support regimes for the purposes of sections 6(2)(e) and (3)(g) and other sources for the purpose of section 8(2)(d);*
- (l) respecting health benefits that may be provided for the purposes of Division 2;*
- (m) respecting training benefits for the purpose of section 9(d);*
- (n) respecting suitability for participation in a training program under section 6(3)(c)(ii) or 10(b)(ii);*
- (o) respecting the income support and training benefits that may be provided under Division 4;*
- (p) respecting the employment and training benefits that may be provided under Division 5;*
- (q) respecting agreements or arrangements with persons or organizations to provide employment and training benefits to persons eligible under Division 5;*
- (r) respecting records that a person or organization referred to in clause (q) is required to maintain;*
- (s) respecting the requirements that a person or organization referred to in clause (q) is required to comply with;*
- (t) respecting the refusal, discontinuation, suspension or reduction of assistance under Part 2;*
- (u) respecting the determination of the amount of assistance under Part 2 to be provided to a recipient and the time and manner of providing it;*
- (v) respecting terms and conditions associated with being provided with assistance under Part 2;*

Nursing Homes Act

4(1) Amends chapter N-7 of the Revised Statutes of Alberta 2000.

(2) Section 24 presently reads:

24 The Minister may make regulations

- (a) specifying, within the types prescribed by the Lieutenant Governor in Council, the services that are basic care;*
- (b) respecting the determination of the rates of benefits to be paid in respect of basic care and care provided under approved programs;*
- (c) prescribing the admission policies to be followed by nursing homes and limiting the number of residents who are not eligible residents that may be cared for in a nursing home at any one time;*
- (d) providing for the establishment, composition and operation of assessment committees to determine the need of a resident for nursing home care;*
- (e) governing the operation and staffing of nursing homes;*
- (f) providing for the preparation and adoption by an operator of medical bylaws governing the organization and conduct of physicians practising in the nursing home;*
- (g) respecting the determination of accommodation charges;*
- (h) prescribing the number of semi private or private rooms for which extra charges may be made to residents;*
- (i) prescribing the maximum amount that and circumstances under which an operator may charge an eligible resident for preferred accommodation in the operator's nursing home;*
- (j) limiting the amount of money that may be held in trust for a resident and governing trust accounts maintained for residents and interest in respect of money held in trust;*
- (k) governing property of a resident at or coming to a nursing home and the obligation of an operator in connection with that property;*
- (l) governing standards applicable to nursing homes, including but not limited to standards relating to the programming, design and construction of nursing homes and the care, services, drugs and medical supplies to be provided in nursing homes;*

- (m) *providing for the establishment of specific programs for the provision of care to a resident in a nursing home, of the level and kind and on the basis prescribed in the regulations;*
- (n) *prescribing the basis for the sharing of the costs of the care referred to in clause (m) by the Government and the resident and the basis for including the care in nursing home care.*

Seniors Benefit Act

5(1) Amends chapter S-7 of the Revised Statutes of Alberta 2000.

(2) Section 6 presently reads:

6 The Lieutenant Governor in Council may make regulations

- (a) *respecting eligibility for receipt of a benefit;*
- (b) *respecting the amount of a benefit that may be paid to a beneficiary;*
- (c) *respecting how benefits are paid under this Act;*
- (d) *respecting appeals under section 3;*
- (e) *respecting deductions under section 5;*
- (f) *respecting the payment of a benefit to another person on behalf of a beneficiary and how a benefit paid to such a person is to be used on behalf of the beneficiary and be accounted for;*
- (g) *respecting the provision of information about a person to a person who administers the Health Insurance Premiums Act or the Minister responsible for that Act, for the purposes of administering section 4 of that Act.*

Social Development Act

6(1) Amends chapter S-12 of the Revised Statutes of Alberta 2000.

(2) Section 30 presently reads:

30 The Lieutenant Governor in Council may make regulations

- (a) *prescribing the maximum amount of social allowance that may be provided to a person in need of assistance to obtain any specific basic necessity;*
- (b) *specifying the income or assets that may be exempt in determining the resources of any person for the purpose of*

determining the amount of a social allowance or handicap benefit payable to that person;

- (c) prescribing vocational, technical and other training that may be provided to recipients of a social allowance or social assistance;*
- (d) prescribing exemptions for the purposes of section 12(2);*
- (e) prescribing the nature, categories and amounts of handicap benefits and modified amounts of handicap benefits that may be provided under section 18.*

7 Coming into force.