



**Legislative Assembly
Province of Alberta**

No. 46

VOTES AND PROCEEDINGS

Third Session

Twenty-Fifth Legislature

Thursday, May 15, 2003

The Speaker took the Chair at 1:30 p.m.

Ministerial Statements

Hon. Mr. Boutilier, Minister of Municipal Affairs, made a statement regarding the inaugural Alberta Emergency Services Medal presentation held today at the Legislature Building.

Mr. Bonner, Hon. Member for Edmonton-Glengarry, commented on the statement.

Mr. Mason, Hon. Member for Edmonton-Highlands, requested and received the unanimous consent of the Assembly to participate in this Ministerial Statement.

Members' Statements

Mr. Rathgeber, Hon. Member for Edmonton-Calder, made a statement regarding constitutional and senate reform.

Dr. Taft, Hon. Member for Edmonton-Riverview, made a statement regarding democracy in Alberta.

Mr. Cao, Hon. Member for Calgary-Fort, made a statement regarding provincial fiscal policies.

Ms Carlson, Hon. Member for Edmonton-Ellerslie, made a statement regarding the role of the Opposition in a parliamentary democracy.

Presenting Petitions

Dr. Taft, Hon. Member for Edmonton-Riverview, on behalf of Mr. Bonner, Hon. Member for Edmonton-Glengarry, presented a petition from 860 Albertans requesting the Government consider splitting the budget surplus between the monetary debt and the infrastructure debt.

Notices of Motions

Pursuant to Standing Order 34(2)(a), Hon. Mr. Hancock, Government House Leader, gave oral notice of the following Written Questions and Motions for Returns to be dealt with Monday, May 26, 2003:

Written Questions: Stand and retain their places.

Motions for Returns: None appearing on the Order Paper.

Tabling Returns and Reports

Hon. Mr. Lund, Minister of Infrastructure:

E-mail message dated May 14, 2003, from Professor Tang G. Lee, Faculty of Environmental Design, University of Calgary, to April Turnbull, Alberta Infrastructure, regarding testing done for mould at the Holy Cross Hospital
Sessional Paper 597/2003

Ms Graham, Hon. Member for Calgary-Lougheed:

Report dated January 2002, entitled "At a Crossroads, First Results for the 18 to 20-Year-old Cohort of the Youth in Transition Survey" prepared by Human Resources Development Canada and Statistics Canada
Sessional Paper 598/2003

Mr. Hutton, Hon. Member for Edmonton-Glenora, on behalf of Mr. Strang, Hon. Member for West Yellowhead:

Letter dated May 8, 2003, from John Stitzenberger of Edson to Hon. Dr. Oberg, Minister of Learning, and Hon. Mr. Lund, Minister of Infrastructure, inviting the Ministers to attend a meeting with concerned parents of the Grande Yellowhead Regional Division #35 to discuss the closure and transfer of Jubilee Junior High School
Sessional Paper 599/2003

Mr. Lord, Hon. Member for Calgary-Currie:

Quackwatch.org web page article, undated, entitled “Mold Neurotoxicity: Validity, Reliability and Baloney” prepared by Paul R. Lees-Haley, Ph.D., ABPP
Sessional Paper 600/2003

The Sacramento Bee web page article dated January 20, 2002, entitled “Experts taking issue with toxic mold” prepared by Andrew LePage
Sessional Paper 601/2003

Toxic Mold Center web page article, undated, entitled “Toxic Mold Information”
Sessional Paper 602/2003

Report dated May 2002, entitled “Environmental Law Advisory, Indoor Toxic Mold: A Mushrooming Problem?” prepared by the law firm of Goodwin Procter
Sessional Paper 603/2003

Excerpt from Popular Science magazine dated May 2001, entitled “Home Technology, Wet Basement? Charge it?” regarding electro-osmotic pulse technology
Sessional Paper 604/2003

Information package, undated, entitled “Waterproofing Isn’t Foolproof... Electro-Osmotic Pulse Technology Is” prepared by Drytronic Incorporated
Sessional Paper 605/2003

Hon. Mr. Dunford, Minister of Human Resources and Employment:

Response to questions raised by Dr. Taft, Hon. Member for Edmonton-Riverview, during Oral Question Period on May 13, 2003, regarding West Nile virus
Sessional Paper 606/2003

Ms Blakeman, Hon. Member for Edmonton-Centre:

News release dated April 29, 2003, entitled “Pro Coro Canada’s Executive Director Miki Andrejevic to Receive (Queen’s Golden Jubilee) Medal” prepared by Pro Coro Canada
Sessional Paper 607/2003

News release dated May 5, 2003, entitled “Bottom Line Productions Celebrates 10 Years in the Arts Biz and an Expansion to the South” prepared by Bottom Line Productions
Sessional Paper 608/2003

Dr. Taft, Hon. Member for Edmonton-Riverview:

Letter dated May 9, 2003, from Gerald Zagrosh, President, Pain Elimination and Tissue Regeneration Clinic, to Dr. Nicol, Hon. Leader of the Official Opposition, claiming he is able to eliminate pain and attaching a technical paper on pain
Sessional Paper 609/2003

Letter dated May 15, 2003, from Melanie Shapiro of Edmonton to Hon. Mr. Klein, Premier, expressing concern regarding funding for the teachers' arbitrated settlement with attached document dated June 27, 2002, entitled "Award in the matter of an arbitration under the Education Services Settlement Act, between the Edmonton Public School Board No. 7 and the Alberta Teachers' Association" prepared by David Phillip Jones, Q.C.

Sessional Paper 610/2003

Dr. Taft, Hon. Member for Edmonton-Riverview, on behalf of Mr. Bonner, Hon. Member for Edmonton-Glengarry:

Petition signed by 388 Albertans requesting the Government consider splitting the budget surplus between the monetary debt and the infrastructure debt

Sessional Paper 611/2003

Mr. MacDonald, Hon. Member for Edmonton-Gold Bar:

Petition signed by 114 Albertans requesting the Government consider splitting the budget surplus between the monetary debt and the infrastructure debt

Sessional Paper 612/2003

Dr. Pannu, Hon. Member for Edmonton-Strathcona:

Letter dated May 14, 2003, from Kelly Duffin, President and Chief Executive Officer, The Canadian Hearing Society, to Hon. Dr. Oberg, Minister of Learning, expressing concern regarding the closure of the American Sign Language English interpreting program at Grant MacEwan College

Sessional Paper 613/2003

Mr. Mason, Hon. Member for Edmonton-Highlands:

Excerpt from the Calgary Catholic School District 2003-2004 district operating budget relating to plant operations and maintenance funding

Sessional Paper 614/2003

Hon. Mr. Kowalski, Speaker of the Legislative Assembly:

Brochure, undated, entitled "English as a Second Language, Field Trip Guide to the Alberta Legislature" prepared by Visitor, Ceremonial and Security Services, Legislative Assembly of Alberta

Sessional Paper 615/2003

Projected Government Business

Pursuant to Standing Order 7(5), Ms Carlson, Official Opposition House Leader, asked a question pertaining to the order of Government Business to be brought before the Assembly for the following week.

Hon. Mr. Hancock, Government House Leader, gave notice of several Bills noted on the Order Paper which may be considered for Government Business for the week of May 20 to May 22, 2003.

ORDERS OF THE DAY

Government Motions

23. Moved by Hon. Mr. Jonson:

Be it resolved that given that the current process of appointing Senators offends Canadians' democratic values, has deprived that House of political legitimacy and efficacy, and has prevented the Senate from being effective in protecting the interests of the provinces of Canada; the Legislative Assembly directs the Government of Alberta to consult with Albertans on reforming the Senate through the following Constitutional amendment, namely by repealing Sections 21 to 34 of the Constitution Act, 1867 and substituting the following:

21(1) The Senate shall consist of elected members called Senators.

(2) Each Province shall be represented in the Senate by 6 Senators.

(3) Each Territory shall be represented in the Senate by 2 Senators.

22(1) Subject to this section, the Senators representing a Province or Territory shall be elected by the electors of that Province or Territory.

(2) The legislature of a Province or of a Territory may make laws relating to the election of Senators representing that Province or Territory, including the method of election and the procedure for the election.

(3) Except in the case of by-elections, and except in the case of the first election held pursuant to this section, the election of one-half of the Senators representing a Province or Territory shall be held in conjunction with the general elections of members of the legislative assembly of the Province or of the Territory.

(4) Except as otherwise provided in subsection (6) and unless the office is sooner vacated, and except in the case of a Senator elected in a by-election, the term of office of a Senator representing a Province or Territory continues until the official announcement of the results of the Senate elections held in conjunction with the second general election in that Province or Territory after the election of that Senator.

(5) The first election held pursuant to this section in each Province or Territory shall be for the election of all the Senators representing that Province or Territory.

- (6)** The term of office for one half of the Senators elected from each Province and Territory at the first election held pursuant to this section in each Province or Territory continues until the official announcement of the results of the Senate elections held in conjunction with the next general election in that Province or Territory.
- (7)** In relation to the Senators representing that Province or Territory, the legislature of a Province or of a Territory may make laws establishing which Senators subsection (6) applies to.
- 23(1)** Subject to this section, a person is qualified to be a candidate and to be elected Senator if the person is eligible to be a candidate and to be elected as a member of the House of Commons.
- (2)** A person is not qualified to be elected as a Senator or to remain a Senator if the person
- (a)** is a member of the House of Commons or of the legislative assembly of a Province or of a Territory, or
 - (b)** is a Minister of the Crown
- (3)** If any question arises respecting the qualification of a Senator, the question shall be heard and determined by the Senate.
- 24(1)** A Senator may resign his or her seat by delivering a resignation to the Governor General.
- (2)** When a Senator resigns his or her seat in accordance with subsection (1), the seat immediately becomes vacant.
- 25(1)** A by-election to fill a vacancy in the Senate representation of a Province or Territory need not be called if
- (a)** the vacancy occurs during the last year of the legal life of the legislative assembly of the Province or of the Territory, and
 - (b)** the term of office of the Senator, who vacated that seat would have expired with the announcement of the results of the Senate elections held in conjunction with the next general election in the Province or Territory.
- (2)** The term of office for a Senator elected at a by-election shall be for the balance of the term of the Senator who vacated the seat.
- 26** The Senate may establish its own procedure for the election of the Speaker of the Senate and for the conduct of the Senate's business.
- 27** Subject to section 53, bills proposed to the Parliament of Canada may originate in the Senate equally as in the House of Commons.
- 28(1)** Where a bill is presented to the Senate after being passed by the House of Commons, if the Senate
- (a)** votes against passing the bill,
 - (b)** passes the bill with amendments that are not acceptable to the House of Commons, or
 - (c)** fails to vote on the bill within 180 days after it is presented to the Senate,

the bill may be brought before the House of Commons and if again passed by the House of Commons, with such amendments made by the Senate as are concurred in by the House, the bill may be presented to the Governor General for assent, and when assented to has the same force and effect as if passed in that form by the Senate.

(2) In a bill presented to the Governor General under this section, the words of enactment shall be amended by striking out any reference to the Senate.

(3) An alteration to a bill to give effect to subsection (2) is deemed not to be an amendment of the bill.

(4) This section does not apply to a bill referred to in section 30.

29 If the Speaker of the Senate or of the House of Commons rules that the subject matter of a bill is wholly or partially within section 94A or 95, the bill may be repassed by the House of Commons under section 28 only if

- (a) the percentage of the members voting who vote to pass the bill is greater than the percentage of Senators voting who voted to reject the bill or pass it with amendments, or
- (b) the Senate fails to vote on the bill within 180 days after it is presented to the Senate.

30 Where a bill is presented to the Senate after being passed by the House of Commons and the Speaker of the Senate or of the House of Commons rules that the bill

- (a) directly affects in any way, including by taxation, the natural resources of a Province,
- (b) authorizes the expenditure of federal funds in areas of provincial jurisdiction under sections 92, 92A and 93,
- (c) is binding on a Province, or
- (d) declares a local work or undertaking to be of the general advantage of Canada or for the advantage of two or more Provinces

if the Senate votes against passing the bill or passes it with amendments not acceptable to the House of Commons no further proceedings may be taken on the bill.

31 Appointments to the Supreme Court of Canada and to the Federal Court of Appeal have no effect until they are ratified by the Senate.

32 No treaty shall be ratified by Canada unless the Senate has authorized Canada to ratify the treaty.

AND BE IT FURTHER RESOLVED THAT,

given that the Constitution establishes Canada as a federal system of government in which the sovereign powers of the Crown are divided between two separate but equal orders of government; and that the federal Parliament is comprised of two Houses: the House of Commons, which is designed to reflect the democratic principle of representation by population, and a Senate, which is designed to reflect the federal nature of Canada; and that Canada is a parliamentary democracy that has constitutionally enshrined the democratic right of every citizen of Canada to vote in an election of members of the House of Commons and of their legislative assembly;

the Legislative Assembly directs the Government of Alberta to initiate discussions with the Government of Canada and the governments of all other Provinces and Territories leading to the reform of the Senate.

Hon. Mr. Jonson moved adjournment of the debate, which was agreed to.

Government Bills and Orders

Third Reading

On the motion that the following Bill be now read a Third time:

Bill 40 Appropriation Act, 2003 (\$) — Hon. Mrs. Nelson

A debate followed.

Mr. Mason, Hon. Member for Edmonton-Highlands, moved the motion be amended by deleting all words after the word “that” and substituting the following:

Bill 40, Appropriation Act, 2003, be not now read a Third time because the Legislative Assembly believes that the inadequate provision made for the education of children will result in a crisis in schools.

A debate followed on the amendment.

The question being put, the amendment was defeated. With Hon. Mr. Kowalski in the Chair, the names being called for were taken as follows:

For the amendment: 5

Blakeman	Mason	Taft
MacDonald	Pannu	

Against the amendment: 36

Abbott	Hancock	Oberg
Ady	Hlady	O'Neill
Amery	Horner	Ouellette
Broda	Jacobs	Rathgeber
Calahasen	Johnson	Shariff
Cenaiko	Klapstein	Snelgrove
DeLong	Knight	Stelmach
Dunford	Lougheed	Tannas
Gordon	Lund	VanderBurg
Goudreau	McClelland	Woloshyn
Graydon	McFarland	Yankowsky
Griffiths	Nelson	Zwozdesky

The following Bill was read a Third time and passed:

Bill 40 Appropriation Act, 2003 (\$) — Hon. Mrs. Nelson

Adjournment

Pursuant to Government Motion 5 agreed to by the Assembly on February 19, 2003, and on motion by Hon. Mr. Hancock, Government House Leader, the Assembly adjourned at 4:37 p.m.

Hon. Ken Kowalski,
Speaker

Title: Thursday, May 15, 2003