



**Legislative Assembly  
Province of Alberta**

No. 15

## **VOTES AND PROCEEDINGS**

First Session

Twenty-Sixth Legislature

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Monday, April 4, 2005

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

The Speaker offered a prayer and a moment of silence was observed in recognition of His Holiness, Pope John Paul II, who passed away on April 2, 2005.

### **Recognitions**

Mr. Lukaszuk, Hon. Member for Edmonton-Castle Downs: His Holiness, Pope John Paul II, who passed away on April 2, 2005

Mrs. Jablonski, Hon. Member for Red Deer-North: The Mad Butcher, located in Innisfail, on winning the Alberta Food Processors' Association and Alberta Pork Congress best overall sausage awards

Mr. Johnson, Hon. Member for Wetaskiwin-Camrose: University of Alberta Golden Bears hockey team on winning the 2005 Telus University Cup on March 28, 2005

Mr. Cao, Hon. Member for Calgary-Fort: Immigrants of Distinction Awards held on April 1, 2005 in Calgary with this year's theme "A Century of Dreams, honouring 100 years of immigration to Alberta"

Mr. Rogers, Hon. Member for Leduc-Beaumont-Devon: Sandy McCallum of Beaumont, the first Canadian to compete in the Desert Grand Slam

Mrs. Mather, Hon. Member for Edmonton-Mill Woods: His Holiness, Pope John Paul II, who passed away on April 2, 2005

Mr. Chase, Hon. Member for Calgary-Varsity: Cancer Awareness Month, April 2005

### **Speaker's Comment**

The Speaker commented that on this day in 1906 the village of Vegreville was established.

### **Presenting Petitions**

Ms Pastoor, Hon. Member for Lethbridge-East, presented a petition from 101 Albertans urging the Government to prohibit the importation of temporary foreign workers in oil sands facilities and on pipelines until several Albertan and Canadian groups have been accessed.

Mr. Backs, Hon. Member for Edmonton-Manning, presented a petition from 100 Albertans urging the Government to prohibit the importation of temporary foreign workers in oil sands facilities and on pipelines until several Albertan and Canadian groups have been accessed.

Mr. MacDonald, Hon. Member for Edmonton-Gold Bar, presented a petition from 120 Albertans urging the Government to prohibit the importation of temporary foreign workers in oil sands facilities and on pipelines until several Albertan and Canadian groups have been accessed.

### **Introduction of Bills (First Reading)**

Notice having been given:

Bill 36 Police Amendment Act, 2005 — Hon. Mr. Cenaiko

Bill 38 Pharmacy and Drug Amendment Act, 2005 — Mrs. Ady

On motion by Hon. Mr. Stevens, Deputy Government House Leader, the following Bill was placed on the Order Paper under Government Bills and Orders:

Bill 38 Pharmacy and Drug Amendment Act, 2005 — Mrs. Ady

## Tabling Returns and Reports

Ms Blakeman, Hon. Member for Edmonton-Centre, on behalf of Dr. Taft, Hon. Leader of the Official Opposition:

Report dated October 2004, entitled “Privacy and the USA (United States of America) Patriot Act, Implications for British Columbia Public Sector Outsourcing” prepared by the Information and Privacy Commissioner for British Columbia

Sessional Paper 247/2005

Hon. Mr. Melchin, Minister of Energy:

Response to questions raised by Mr. MacDonald, Hon. Member for Edmonton-Gold Bar, during Oral Question Period on March 22, 2005

Sessional Paper 248/2005

Mr. Martin, Hon. Member for Edmonton-Beverly-Clareview:

2 letters, the first dated March 10, 2005, from Penny Kuny and the second dated March 24, 2005, from Shirley Kubrak, both to Hon. Mrs. Fritz, Minister of Seniors and Community Supports, expressing concern regarding staffing levels at long-term care facilities

Sessional Paper 249/2005

Mr. Eggen, Hon. Member for Edmonton-Calder:

Letter, undated, from Andrew Affleck, M.D., President, Canadian Association of Emergency Physicians, to Mr. Rodney, Hon. Member for Calgary-Lougheed, expressing support for Bill 201, Smoke-free Places Act

Sessional Paper 250/2005

Mrs. Mather, Hon. Member for Edmonton-Mill Woods:

E-mail message dated March 29, 2005, from Deb Cautley, Youth Emergency Shelter Society, to Steven Rowe, Alberta Liberal Caucus, expressing concern regarding Family and Community Support Services youth shelter funding

Sessional Paper 251/2005

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

E-mail message dated July 24, 2000, from Maureen McVicker to Aleck Dadson, Robert Hemstock, Mark Palmer, Richard Sanders, and Richard Shapiro regarding “Project Stanley”

Sessional Paper 252/2005

Memorandum dated October 2, 2000, from Peter Keohane, Enron, to Glenn Leslie, Web Macdonald, and Dalton McGrath, all of Blake, Cassels and Graydon LLP, regarding “Project Stanley”

Sessional Paper 253/2005

Mr. Elsalhy, Hon. Member for Edmonton-McClung:

Letter dated February 22, 2005, from Stuart McGrandle of Edmonton to Mr. Elsalhy, Hon. Member for Edmonton-McClung, expressing concern regarding the use of foreign replacement workers in the Alberta labour force  
Sessional Paper 254/2005

Mr. Backs, Hon. Member for Edmonton-Manning:

5 recent letters from David Lamoureux, Gary McCormick, Allan Pettipas, Dwight Metheral, and John de Groot, to Members of the Legislative Assembly, expressing concern regarding the use of foreign replacement workers in the Alberta labour force  
Sessional Paper 255/2005

Hon. Mr. Kowalski, Speaker of the Legislative Assembly, pursuant to the Election Finances and Contributions Disclosure Act, cE-2, s44(1):

Letter dated March 24, 2005, from O. Brian Fjeldheim, Chief Electoral Officer, to Hon. Mr. Kowalski, Speaker of the Legislative Assembly, listing registered candidates together with their chief financial officers who did not file a financial statement with the Chief Electoral Officer on or before March 22, 2005, following the 2004 Alberta Provincial General Election held on November 22, 2004  
Sessional Paper 256/2005

Letter dated March 24, 2005, from O. Brian Fjeldheim, Chief Electoral Officer, to Hon. Mr. Kowalski, Speaker of the Legislative Assembly, listing registered Senate nominee candidates together with their chief financial officers who did not file a financial statement with the Chief Electoral Officer on or before March 22, 2005, following the 2004 Alberta Provincial General Election held on November 22, 2004  
Sessional Paper 257/2005

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

Revised Members' Services Committee Order No. 1/05 Transportation Amendment Order (No. 5)  
Sessional Paper 258/2005

Revised Members' Services Committee Order No. 2/05 Constituency Services Amendment Order (No. 14)  
Sessional Paper 259/2005

Revised Members' Services Committee Order No. 3/05 Constituency Services Amendment Order (No. 15)  
Sessional Paper 260/2005

Revised Members' Services Committee Order No. 4/05 Transportation Amendment Order (No. 6)  
Sessional Paper 261/2005

Revised Members' Services Committee Order No. 5/05 Members' Allowances  
Amendment Order (No. 9)

Sessional Paper 262/2005

Revised Members' Services Committee Order No. 6/05 Members' Group Life  
Insurance and Members' Group Plans Amendment Order (No. 1)

Sessional Paper 263/2005

## **Tablings to the Clerk**

Clerk of the Assembly on behalf of Hon. Mrs. Forsyth, Minister of Children's Services:

Social Care Facilities Review Committee, Semi-Annual Report, October 2002 to  
March 2003

Sessional Paper 264/2005

## **ORDERS OF THE DAY**

### **Written Questions**

The following Written Questions were ordered to stand:

WQ1, WQ2, WQ3, WQ4, WQ5, WQ6, WQ7, WQ8, WQ9, WQ10, WQ11, WQ12,  
WQ13, WQ14, WQ15, WQ16, WQ17, WQ18, WQ19, WQ20, WQ21, WQ22, WQ23.

### **Motions for Returns**

The following Motion for Returns was accepted:

**MR4.** Moved by Dr. Pannu on behalf of Mr. Mason:

That an Order of the Assembly do issue for a Return showing:  
For each of the fiscal years 2001-2002, 2002-2003, and 2003-2004, an  
itemized list of all groups and individuals representing either specific  
tobacco-related companies, or any association, group, or organization  
representing the interests of the tobacco industry who have met with the  
Premier, the Minister of Health and Wellness, the Deputy Minister of Health  
and Wellness, the Assistant Deputy Minister of Health and Wellness, or any  
Alberta Standing Policy Committee.

Unanimous consent was granted to withdraw the following Motion for Returns:

**MR1.** Moved by Mr. Martin:

That an Order of the Assembly do issue for a Return showing:  
A copy of the Cambridge Strategies review of the Risk Management Fund  
commissioned by Alberta Justice.

The following Motions for Returns were ordered to stand:

MR2, MR3, MR5, MR6, MR7, MR8, MR9, MR10, MR11, MR12, MR13, MR14, MR15, MR16, MR17, MR18, MR19, MR20, MR21, MR22, MR23, MR24, MR25, MR26.

## **Public Bills and Orders Other Than Government Bills and Orders**

### **Committee of the Whole**

According to Order, the Assembly resolved itself into Committee of the Whole, and the Speaker left the Chair.

(Assembly in Committee)

The following Bill was taken under consideration:

Bill 201 Smoke-free Places Act — Mr. Rodney

Mr. Snelgrove, Hon. Member for Vermilion-Lloydminster, moved the Bill be amended as follows:

- A** Section 1 is amended
  - (a) by adding the following after clause (d):
    - (d.1) “minor” means a person who is under 18 years of age;
  - (b) in clause (e) by adding “and” at the end of subclause (v);
  - (c) in clause (j) by adding “means all or any part of a building, structure or other enclosed area in which employees perform the duties of their employment, whether or not members of the public have access to the building, structure or area as of right or by express or implied invitation, and” before “includes”.
- B** Section 2(2) is amended by striking out “This Act” and substituting “Subject to section 4, this Act”.
- C** Section 3 is amended by striking out “No” and substituting “Subject to section 5, no”;
- D** Section 5 is amended
  - (a) in subsection (2) by adding “and” at the end of clause (c) and by striking out clause (d);

(b) by adding the following after subsection (2):

**(3)** A person may smoke in a public place or workplace or part of a public place or workplace if the manager of the public place or workplace

- (a) designates the public place or workplace or a part of the public place or workplace as a place where smoking is permitted,
- (b) ensures that signs are posted and conspicuously displayed indicating that minors are not permitted to enter or be in the place where smoking is permitted, and
- (c) subject to the regulations, takes reasonable steps to ensure that smoke does not enter any place where smoking is prohibited under this Act.

**(4)** The manager of a public place or workplace must not permit minors to enter or be in a public place or workplace or part of a public place or workplace where smoking is permitted under subsection (3).

**E** Section 7(3) is amended by striking out “section” and substituting “Act”.

**F** Section 8 is struck out.

**G** Section 10 is amended

(a) by striking out clauses (a), (b) and (c) and substituting the following:

(a) for greater certainty, designating a place or class of place as a public place, workplace, hotel, public vehicle or restaurant for the purposes of this Act;

(b) in clause (d) by striking out “section 7” and substituting “sections 5 and 7”;

(c) by adding the following after clause (e):

(e.1) respecting requirements for the purpose of section 5(3)(c) to ensure that smoke does not enter any place where smoking is prohibited;

**H** Section 11 is struck out and the following is substituted:

Municipal bylaws

**11(1)** Nothing in this Act affects a municipality’s power to make bylaws to regulate, restrict or prohibit smoking.

**(2)** Where there is a conflict between a provision of this Act and a provision of a municipal bylaw that regulates, restricts or prohibits smoking, the more restrictive provision prevails.

A debate followed on the amendment.

Pursuant to Standing Order 8(5)(b), the question being put, the amendment was agreed to. With Mr. Shariff in the Chair, the names being called for were taken as follows:

For the motion: 35

Abbott	Herard	Ouellette
Cao	Horner	Pham
Cardinal	Jablonski	Prins
Cenaiko	Johnston	Renner
Coutts	Liepert	Rogers
Ducharme	Lindsay	Snelgrove
Dunford	Lougheed	Stelmach
Fritz	Lund	Stevens
Graydon	Magnus	Strang
Griffiths	McClellan	Tarchuk
Groeneveld	Mitzel	VanderBurg
Haley	Oberle	

Against the motion: 23

Agnihotri	Flaherty	Miller (Edmonton-Rutherford)
Backs	Forsyth	Pannu
Blakeman	Hinman	Pastoor
Bonko	MacDonald	Swann
Chase	Mar	Taft
Eggen	Martin	Taylor
Elsalhy	Mather	Tougas
Evans	Miller (Edmonton-Glenora)	

Pursuant to Standing Order 8(5)(b), the question was immediately put on the remaining clauses of Bill 201, Smoke-free Places Act, which was agreed to. With Mr. Shariff in the Chair, the names being called for were taken as follows:

For the motion: 37

Abbott	Haley	Ouellette
Cao	Hinman	Pham
Cardinal	Horner	Prins
Cenaiko	Jablonski	Renner
Coutts	Liepert	Rogers
Ducharme	Lindsay	Snelgrove
Dunford	Lougheed	Stelmach
Evans	Lund	Stevens
Forsyth	Magnus	Strang
Fritz	Mar	Tarchuk
Graydon	McClellan	VanderBurg
Griffiths	Mitzel	
Groeneveld	Oberle	



Against the motion: 19

Agnihotri	Flaherty	Pannu
Backs	MacDonald	Pastoor
Blakeman	Martin	Swann
Bonko	Mather	Taft
Chase	Miller (Edmonton-Glenora)	Taylor
Eggen	Miller (Edmonton-Rutherford)	Tougas
Elsalhy		

The Acting Speaker assumed the Chair.

The following Bill was reported with some amendments:

Bill 201 Smoke-free Places Act — Mr. Rodney

Mr. Oberle, Acting Chair of Committees, tabled copies of an amendment considered by Committee of the Whole on this date for the official records of the Assembly.

Amendment to Bill 201 (Hon. Member for Vermilion-Lloydminster) —  
Agreed to on division

Sessional Paper 265/2005

## **Adjournment**

The Assembly adjourned at 5:40 p.m. until 8:00 p.m. .

MONDAY, APRIL 4, 2005 — 8:00 P.M.

## **Motions Other Than Government Motions**

**503.** Moved by Mr. Knight:

Be it resolved that the Legislative Assembly urge the Government to consider the advisability of increasing the value of the Alberta Ingenuity Fund to \$1 billion over the 2006-07 and 2007-08 fiscal years.

A debate followed.

The question being put, the motion was agreed to.

## **Unanimous Consent**

Hon. Mr. Stevens, Deputy Government House Leader, requested and received the unanimous consent of the Assembly to waive Standing Order 8(2) to allow for consideration of Private Members' Public Bills in the time remaining for Private Members' Business.

## **Public Bills and Orders Other Than Government Bills and Orders**

### **Second Reading**

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

Bill 203 Report on Alberta's Legacy Act — Ms Blakeman on behalf of  
Mr. MacDonald

A debate followed.

Pursuant to Standing Order 8(3), debate adjourned, Mr. Eggen speaking.

## **Government Bills and Orders**

### **Second Reading**

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

Bill 12 Victims of Crime Amendment Act, 2005 — Mrs. Jablonski

Mrs. Jablonski moved adjournment of the debate, which was agreed to.

The following Bill was read a Second time and referred to Committee of the Whole:

Bill 11 Stettler Regional Water Authorization Act — Mr. Mitzel

## **Adjournment**

On motion by Hon. Mr. Stevens, Deputy Government House Leader, the Assembly adjourned at 10:11 p.m. until Tuesday, April 5, 2005, at 1:30 p.m.

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Hon. Ken Kowalski,  
Speaker

Title: Monday, April 4, 2005