



**Legislative Assembly
Province of Alberta**

No. 28

VOTES AND PROCEEDINGS

First Session

Twenty-Sixth Legislature

Tuesday, April 26, 2005

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

Members' Statements

Mrs. Jablonski, Hon. Member for Red Deer-North, made a statement regarding the annual recognition and commemoration of the Armenian Genocide on April 24.

Mr. Flaherty, Hon. Member for St. Albert, made a statement regarding Education Week, April 24-30, 2005.

Mr. Rodney, Hon. Member for Calgary-Lougheed, made a statement regarding Education Week, April 24-30, 2005.

Mr. Cao, Hon. Member for Calgary-Fort, made a statement regarding new technologies in the agriculture and agrifood industries.

Mr. Lukaszuk, Hon. Member for Edmonton-Castle Downs, made a statement regarding the Government's \$577 million commitment for the construction of the Health Sciences Ambulatory Learning Centre at the University of Alberta.

Mr. Eggen, Hon. Member for Edmonton-Calder, made a statement regarding Alberta Energy and Utilities Board regulations.

Speaker's Comment

The Speaker commented that on this day in 1887, Joseph Ora Card and a small group of Mormons founded the community that was to become Cardston, Alberta. Experienced in dry farming, they introduced a variety of new crops and joined with the Galt Company in irrigating other areas of southern Alberta. Their Temple of the Church of Jesus Christ of Latter Day Saints was the first Mormon Temple built outside of the United States.

Presenting Reports by Standing and Special Committees

Dr. Brown, Chair, Select Standing Committee on Private Bills, presented the following report:

Mr. Speaker, the Select Standing Committee on Private Bills has had certain Bills under consideration and wishes to report as follows:

The Committee recommends that the following Private Bills proceed:

Bill Pr1 Bow Valley Community Foundation Act — Mrs. Tarchuk

Bill Pr3 Medicine Hat Community Foundation Amendment Act, 2005 —
Mr. Mitzel

The Committee recommends that the following Private Bill proceed with amendments:

Bill Pr2 Camrose Lutheran College Corporation Act — Mr. Johnson

The Committee recommends that the following Private Bill be deferred to the Fall 2005, sitting of the Legislature:

Bill Pr4 Brooklynn Hannah George Rewega Right of Civil Action Act —
Mr. Oberle

The Committee has had under consideration the fees charged for petitioning for Private Bills and recommends that Standing Order 87(1) be amended to increase the fee to \$500 for petitioning for a Private Bill.

Dr. Brown, Chair, Select Standing Committee on Private Bills, tabled copies of an amendment considered by the Select Standing Committee on Private Bills on this date for the official records of the Assembly.

Proposed amendment to Bill Pr2, Camrose Lutheran College Corporation Act
Sessional Paper 363/2005

Mr. Speaker, I request concurrence of the Assembly in this recommendation.

The question being put, concurrence in the report was granted.

Presenting Petitions

Mr. Backs, Hon. Member for Edmonton-Manning, presented a petition from 109 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)

Upon recommendation of His Honour the Honourable the Lieutenant Governor, and notice having been given:

Bill 40 Alberta Personal Income Tax Amendment Act, 2005 (No. 2) (\$) — Hon. Mrs. McClellan

Tabling Returns and Reports

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

Report dated February 23, 2005, entitled “Recommendations to the Utilities Consumer Advocate on Retail Energy Options for Electricity” prepared by Ted Pound, Chair, Utilities Consumer Advocate Advisory Council
Sessional Paper 364/2005

Tablings to the Clerk

Clerk of the Assembly on behalf of Hon. Mr. Stevens, Minister of Justice and Attorney General, pursuant to the Legal Profession Act, cL-8, s5(4):

Law Society of Alberta, Annual Report 2004
Sessional Paper 365/2005

Clerk of the Assembly on behalf of Hon. Mr. Cardinal, Minister of Human Resources and Employment:

Package of information relating to the Memorandum of Understanding between Human Resources and Skills Development Canada, Citizenship and Immigration Canada, and Alberta Learning for the entry of temporary foreign workers for projects in the Alberta oil sands
Sessional Paper 366/2005

Speaker’s Ruling - Motion Other Than Government Motion 507

Hon. Members will note that Motion 507 standing in the name of the Leader of the New Democrats is due to be considered next Monday evening, May 2 under Motions Other Than Government Motions. The motion reads “Be it resolved that the Legislative Assembly urge the Government to prohibit smoking in public buildings and indoor workplaces.”

This motion raises issues virtually identical to those considered in connection with Private Member's Bill 201 which received Third Reading just yesterday, April 25, 2005. Accordingly, the Chair finds that Motion 507 duplicates the issues already debated and decided by the Assembly with respect to Bill 201.

This is not the first time that this issue has arisen in the Assembly. On March 28, 1995, Speaker Schumacher ruled a motion by the then Member for Edmonton-Meadowlark concerning electoral boundaries out of order on the grounds that it violated the rules of anticipation found in Standing Order 23(e) as there was a Government Bill, Bill 20, Electoral Boundaries Commission Act, 1995, standing on the Order Paper for Second Reading. This rule is based on the principle that the same question should not be raised twice during the same session. Speaker Schumacher quoted Beauchesne's paragraph 566(7) as follows: "a motion dealing with the same subject-matter as a Bill standing on the Order Paper for Second Reading cannot be considered." The rationale then, as now, is that a Bill leads to a more effective result than a motion as stated in Beauchesne's paragraph 513(2) and Erskine May (23rd edition) pages 388-389.

In this case, Motion 507 does not merely anticipate a debate but clearly deals with a matter already decided during this session. In this case, Bill 201 received Third Reading yesterday. It is fair to say that its ultimate fate and contents were in doubt up to the concluding vote. The Chair could have ruled the Honourable Leader's motion out of order earlier but in fairness to the Member and in keeping with the latitude the Chair gives Private Members, there was no intervention. At this time, however, it is clear, even clearer than the 1995 example, that the House would be considering the same issue twice. To allow the motion to proceed would depart from the precedents of the Assembly and mark a relaxation of the rules as they have been applied.

Clearly, this is a unique circumstance. In keeping with the practice of this Chair to grant Private Members the greatest leeway possible in bringing matters before the Assembly, the Chair is willing to relax the interpretation of Standing Order 39.2 and invite the Hon. Member to present a revised motion to the Clerk's Office by the end of business tomorrow afternoon, Wednesday, April 27, 2005, for inclusion in Thursday's Order Paper and debate next Monday evening.

ORDERS OF THE DAY

Committee of Supply (Day 9 — Main Estimates)

According to Order, the Assembly resolved itself into Committee of Supply.

(Assembly in Committee)

And after some time spent therein, the Acting Speaker assumed the Chair and Mr. Webber reported as follows:

Mr. Speaker:

The Committee of Supply has had under consideration certain resolutions, reports as follows, and requests leave to sit again:

Resolved that a sum not exceeding the following be granted to Her Majesty for the fiscal year ending March 31, 2006, for the Department and purposes indicated:

Environment

Expense and Equipment / Inventory Purchases	\$136,003,000
Non-budgetary Disbursements	\$1,000,000

The question being put, the report and the request for leave to sit again were agreed to.

Adjournment

On motion by Hon. Mr. Hancock, Government House Leader, it was agreed at 5:14 p.m. that when the Assembly reconvened at 8:00 p.m. it would be in Committee of Supply and the Acting Speaker left the Chair.

TUESDAY, APRIL 26, 2005 — 8:00 P.M.

Committee of Supply (Day 10 — Main Estimates)

(Assembly in Committee)

Conflict of Interest

Mr. Liepert, Hon. Member for Calgary-West, declared a potential conflict of interest regarding the proposed 2005-06 Main Estimates for the Department of Children's Services and absented himself from the debate and vote on these Estimates.

And after some time spent therein, the Acting Speaker resumed the Chair and Mr. Oberle reported as follows:

Mr. Speaker:

The Committee of Supply has had under consideration certain resolutions, reports as follows, and requests leave to sit again:

Resolved that a sum not exceeding the following be granted to Her Majesty for the fiscal year ending March 31, 2006, for the Department and purposes indicated:

Children's Services

Expense and Equipment / Inventory Purchases	\$793,954,000
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The question being put, the report and the request for leave to sit again were agreed to.

Government Bills and Orders

Committee of the Whole

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

(Assembly in Committee)

And after some time spent therein, the Acting Speaker resumed the Chair.

The following Bill was reported:

Bill 1 Access to the Future Act (\$) — Hon. Mr. Klein

Dr. Brown, Acting Chair of Committees, tabled copies of all amendments considered by Committee of the Whole on this date for the official records of the Assembly.

Amendment to Bill 1 (introduced by Hon. Member for Calgary-Currie on April 19, 2005) — Defeated

Sessional Paper 367/2005

Amendment to Bill 1 (Hon. Member for Edmonton-Strathcona) — Defeated

Sessional Paper 368/2005

Amendment to Bill 1 (Hon. Member for Edmonton-Strathcona) —
Withdrawn by unanimous consent of Committee of the Whole

Sessional Paper 369/2005

Amendment to Bill 1 (Hon. Member for Edmonton-Strathcona) — Defeated

Sessional Paper 370/2005

Dr. Brown, Acting Chair of Committees, also tabled copies of the documents tabled by Mr. Taylor during Committee of the Whole consideration of Bill 1, Access to the Future Act (\$)

4 notices of amendments to Bill 1, Access to the Future Act (\$), dated April 5, 2005

Sessional Paper 371/2005

Second Reading

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

Bill 29 Assured Income for the Severely Handicapped Amendment Act, 2005 —
Hon. Mrs. Fritz

Adjournment

On motion by Hon. Mr. Hancock, Government House Leader, the Assembly adjourned at 11:15 p.m. until Wednesday, April 27, 2005, at 1:30 p.m.

Hon. Ken Kowalski,
Speaker

Title: Tuesday, April 26, 2005