



**Legislative Assembly
Province of Alberta**

No. 61

VOTES AND PROCEEDINGS

Second Session

Twenty-Seventh Legislature

Monday, November 23, 2009

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

Members' Statements

Mr. Olson, Hon. Member for Wetaskiwin-Camrose, made a statement regarding several sporting events which have been held in Camrose and the upcoming 2011 Royal Bank Cup to be held in Camrose in May 2011.

Mr. Chase, Hon. Member for Calgary-Varsity, made a statement regarding the Jewish and Ukrainian Holocausts and the recent racist and anti-Semitic propaganda in Calgary.

Mrs. Sarich, Hon. Member for Edmonton-Decore, made a statement regarding the Northern Student Teacher Bursary.

Mrs. McQueen, Hon. Member for Drayton Valley-Calmar, made a statement regarding the government's renewed Water for Life Strategy and the Water for Life Action Plan.

Mrs. Leskiw, Hon. Member for Bonnyville-Cold Lake, made a statement regarding Imperial Oil's Cold Lake heavy oil operation reaching its billion-barrel production mark in October 2009.

Mr. Xiao, Hon. Member for Edmonton-McClung, made a statement regarding the impact of the proposed Heartland Transmission Project on Edmonton-McClung constituents.

Presenting Reports by Standing and Special Committees

Mr. Mitzel, Chair, Select Special Chief Electoral Officer Search Committee, presented the following:

Report of the Select Special Chief Electoral Officer Search Committee 2009, recommending that Olaf Brian Fjeldheim be appointed as Chief Electoral Officer for the Province of Alberta

Sessional Paper 653/2009

Presenting Petitions

Mr. Mason, Hon. Member for Edmonton-Highlands-Norwood, presented a petition from 1,000 Albertans requesting the Legislative Assembly urge the Government to redevelop Alberta Hospital Edmonton as necessary in order to maintain all services, programs, and beds operating as of September 1, 2009, at Alberta Hospital Edmonton.

Mr. Mason, Hon. Member for Edmonton-Highlands-Norwood, presented a petition from 672 Albertans requesting the Legislative Assembly urge the Government to maintain the current number of acute care mental health beds at Alberta Hospital Edmonton.

Ms Blakeman, Hon. Member for Edmonton-Centre, presented a petition from 1,000 Albertans requesting the Legislative Assembly urge the Government to redevelop Alberta Hospital Edmonton as necessary in order to maintain all services, programs, and beds operating as of September 1, 2009, at Alberta Hospital Edmonton.

Mr. Taylor, Hon. Member for Calgary-Currie, presented a petition from 910 Albertans requesting the Legislative Assembly urge the Government to redevelop Alberta Hospital Edmonton as necessary in order to maintain all services, programs, and beds operating as of September 1, 2009, at Alberta Hospital Edmonton.

Ms Pastoor, Hon. Member for Lethbridge-East, presented a petition from 962 Albertans requesting the Legislative Assembly urge the Government to redevelop Alberta Hospital Edmonton as necessary in order to maintain all services, programs, and beds operating as of September 1, 2009, at Alberta Hospital Edmonton.

Mr. Chase, Hon. Member for Calgary-Varsity, presented a petition from 962 Albertans requesting the Legislative Assembly urge the Government to redevelop Alberta Hospital Edmonton as necessary in order to maintain all services, programs, and beds operating as of September 1, 2009, at Alberta Hospital Edmonton.

Mr. MacDonald, Hon. Member for Edmonton-Gold Bar, presented a petition from 903 Albertans requesting the Legislative Assembly urge the Government to redevelop Alberta Hospital Edmonton as necessary in order to maintain all services, programs, and beds operating as of September 1, 2009, at Alberta Hospital Edmonton.

Dr. Taft, Hon. Member for Edmonton-Riverview, presented a petition from 988 Albertans requesting the Legislative Assembly urge the Government to redevelop Alberta Hospital Edmonton as necessary in order to maintain all services, programs, and beds operating as of September 1, 2009, at Alberta Hospital Edmonton.

Tabling Returns and Reports

Mrs. Forsyth, Hon. Member for Calgary-Fish Creek:

Memorandum dated November 20, 2009, from Mrs. Forsyth, Hon. Member for Calgary-Fish Creek, to Pat Cochrane and Members of the Calgary Board of Trustees clarifying the intent of Bill 206, School (Enhanced Protection of Students and Teachers) Amendment Act, 2009

Sessional Paper 654/2009

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

E-mail message dated November 17, 2009, from Doug MacEachern to Mr. MacDonald, Hon. Member for Edmonton-Gold Bar, expressing opposition to the closing of acute care beds at Alberta Hospital Edmonton

Sessional Paper 655/2009

3 recent e-mail messages from Fran Lucas, Keith Wilson, and Lorraine Wilson, all of Edmonton, to Mr. MacDonald, Hon. Member for Edmonton-Gold Bar, Hon. Mr. Hancock, Minister of Education, and Hon. Mr. Stelmach, Premier, all expressing opposition to education funding cuts

Sessional Paper 656/2009

Mr. Kang, Hon. Member for Calgary-McCall:

3 letters, the first dated April 30, 2009, from Yvonne Byer and Connie Whiteley to Mr. Danyluk, Minister of Municipal Affairs, the second dated November 12, 2009, unaddressed, from Brian Johnson, and the third dated September 1, 2008, from Doris Smith and Beate Wagner to the Liberal Opposition, with attached copies of photographs, all regarding problems with the builder of 4 Folkstone Place in Stony Plain

Sessional Paper 657/2009

E-mail message dated June 12, 2009, from Hon. Mr. Danyluk, Minister of Municipal Affairs, to Yvonne and John Byer regarding home and condominium construction and the Building Code

Sessional Paper 658/2009

Document dated October 8, 2009, unaddressed, signed by Yvonne Byer, Doris Smith, B. Johnson, B. Wagner, and Doris Smith, entitled "Recommendations for the changes to the Building Codes and Safety Codes and Inspectors"

Sessional Paper 659/2009

Hon. Mr. Kowalski, Speaker of the Legislative Assembly, pursuant to Standing Order 114:

2008 Legislative Assembly Office, Annual Report, and 2008 Commonwealth Parliamentary Association, Alberta Branch and Interparliamentary Relations, Annual Report

Sessional Paper 660/2009

Letter dated November 19, 2009, from Mr. Chase, Hon. Member for Calgary-Varsity, to Hon. Mr. Kowalski, Speaker of the Legislative Assembly, requesting that Bill 209, Children's Services Review Committee Act, be given early consideration on November 23, 2009

Sessional Paper 661/2009

The Speaker requested and received the unanimous consent of the Assembly to waive Standing Order 7(7) to allow Orders of the Day to begin later than 3:00 p.m.

Tablings to the Clerk

Clerk of the Assembly on behalf of Hon. Mr. Goudreau, Minister of Employment and Immigration, pursuant to the Regulated Accounting Profession Act, cR-12, s25(2):

Certified General Accountants' Association of Alberta, Annual Report 2008/2009
Sessional Paper 662/2009

Speaker's Statement - Order of Private Members' Public Bills

Honourable Members, the Chair has to make some comments about the order of Private Members' Public Bills.

As is often the case when Session appears to be coming to an end, Members become anxious about having their Private Members' Public Bills considered prior to the end of the Session. In that vein, on November 18, 2009, the Chair tabled a letter from the Honourable Member for Calgary-Fish Creek dated that same day, requesting that Bill 206 receive early consideration at Third Reading if it passed Committee stage. The letter is recorded as Sessional Paper 638/2009.

The next day, Thursday, November 19, 2009, the Chair received a letter from the Member for Calgary-Varsity, which was tabled today, asking that Bill 209, which he is sponsoring, receive some consideration today.

The issue about the early consideration of Private Members' Public Bills has been the subject of several Speakers' rulings over the years. I would refer Members to the May 8, 2006, ruling at pages 1356 and 1357 of Alberta Hansard for that day, and the December 1, 2003, ruling, found at page 1968 of Alberta Hansard for that day. One feature of both rulings is the Chair's request to Members and House Leaders to have the situation reviewed and clarified.

In 2003 the Chair stated the view that "a Member should not be able to request early

consideration of his or her Bill at the next stage until it has passed the previous stage.” However, that is not the rule, for reasons that the Chair will elaborate upon.

The Speaker's role in determining the order of business for Private Members' Public Bills stems from Standing Order 9(1) which states that “All items standing on the Order Paper, except Government Bills and Orders, shall be taken up according to the precedence assigned to each on the Order Paper.” The issue for the Chair is to determine how to interpret “precedence assigned to each.”

As indicated in previous rulings, this issue precedes this Speaker. In his February 11, 1997, ruling, Speaker Schumacher outlined a procedure whereby Members could request early consideration of their Bills. The ruling is found at page 16 of the Journals for that date. As the Chair believes this is such an important issue, he will repeat part of that ruling:

“If a Member wants his or her Bill to be considered before the due date, then that Member must make a written request to the Speaker prior to the opening of the House the day before the Member wants the Bill to be considered. For example, if a Member wants a Bill to be considered on a Wednesday, the letter must be received by the Speaker before the opening of the House on Tuesday on which the Chair will table the letter.”

When this ruling was given, private Members' business was considered on Tuesdays and Wednesdays, and that is the reason I refer to that. We now have a situation where we have private Members' business on Mondays, so you have to have it in by Thursday.

“When a Member requests that his or her Bill be considered before its due date, the Bill will be called after debate has concluded on the Private Members' Public Bill that is then before the House or Committee of the Whole assuming that no other Bills have reached their due dates.”

In keeping with the previous practices, the business for today will start with Committee of the Whole consideration of Bill 206. If this Bill is reported by the Committee and the report is accepted by the Assembly, then the Assembly will move to Third Reading consideration of Bill 206 for one hour. If there is time remaining the Assembly will resume its consideration of Bill 208 at Second Reading stage. Once that is completed, Bill 209 may be moved for Second Reading.

As the Chair indicated, there is some sympathy for Members who feel that their Bills have been “bumped” by requests for early consideration. On December 1, 2003, the Chair noted that the request for early consideration of Bill 208, which had not passed Committee stage when the request for early consideration of the Bill at Third Reading stage was made, might work a hardship on the Member who was sponsoring Bill 209 at Second Reading. The Chair noted the procedure for early consideration but stated:

“In an effort to ensure that the system is fair and equitable to all Members, the Chair would welcome suggestions by Members and their House Leaders over the winter on this issue of early consideration of Private Members' Public Bills so that a procedural policy could be put in place for the spring 2004 Session, one that would be very clear at the initiation of the Session.”

No recommendations were forthcoming and no changes were made despite the Chair's second invitation.

The Chair renewed that invitation in 2006, but despite an extensive review of the Standing Orders since then, no changes have been made. The Chair sincerely hopes that this issue will be resolved or at least considered by House Leaders and Members in the near future.

ORDERS OF THE DAY

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)

And after some time spent therein, the Deputy Speaker assumed the Chair.

The following Bill was reported with some amendments:

Bill 206 School (Enhanced Protection of Students and Teachers) Amendment Act,
2009 — Mrs. Forsyth

Third Reading

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

Bill 206 School (Enhanced Protection of Students and Teachers) Amendment Act,
2009 — Mrs. Forsyth

A debate followed.

Debate adjourned, Mr. Kang speaking.

Motions Other Than Government Motions

518. Moved by Mr. Weadick:

Be it resolved that the Legislative Assembly urge the Government to consider exempting seniors from paying the education portion of property taxes.

A debate followed.

The question being put, the motion was agreed to.

Adjournment

On motion by Hon. Mr. Hancock, Government House Leader, the Assembly adjourned at 5:57 p.m., until 7:30 p.m.

MONDAY, NOVEMBER 23, 2009 — 7:30 P.M.

Government Bills and Orders

Second Reading

The following Bills were read a Second time and referred to Committee of the Whole:

Bill 61 Provincial Offences Procedure Amendment Act, 2009 — Mr. Lukaszuk

Bill 62 Emergency Health Services Amendment Act, 2009 — Hon. Mr. Liepert

Committee of the Whole

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

(Assembly in Committee)

The following Bill was taken under consideration:

Bill 50 Electric Statutes Amendment Act, 2009 — Hon. Mr. Knight

Debate continued on the amendment introduced by Hon. Mr. Knight, Minister of Energy, on November 19, 2009.

Mr. Taylor, Hon. Member for Calgary-Currie, moved that amendment A1 to the Bill be further amended as follows:

A Part A is struck out and the following is substituted:

A Section 1(3) is struck out.

B Part B is struck out and the following is substituted:

B Section 2(6) is amended by striking out the proposed sections 41.2 and 41.3 and substituting the following:

Staged development of CTI referred to in Schedule

41.2(1) The Independent System Operator, with respect to the critical transmission infrastructure referred to in section 1(1) of the Schedule, shall, subject to the regulations, specify and make available to the public milestones that the Independent System Operator will use to determine the timing of the stages of the expansion of the terminals referred to in section 1(1)(a) and (b) of the Schedule.

(2) The transmission facilities referred to in section 4 of the Schedule shall be developed in stages in accordance with subsection (3).

(3) The facility referred to in section 4(a) of the Schedule shall be developed first, which may initially be energized at 240 kV, and the Independent System Operator shall, subject to the regulations, specify and make available to the public milestones that the Independent System Operator will use to determine the timing of the development of the facilities referred to in section 4(b) and (c) of the Schedule.

C Part C is amended in the proposed clause (v.5)(B) by striking out “or 41.3”.

D Part D is amended in clause (a) in the proposed section 1(2) by striking out “section 41.4(1)” and substituting “section 41.2(1)”.

E Part E is struck out and the following is substituted:

E Section 3 is struck out.

A debate followed on the subamendment.

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

For the subamendment: 6

Chase
Hinman

Kang
Notley

Pastoor
Taylor

Against the subamendment: 28

Berger	Hancock	Olson
Blackett	Jablonski	Prins
Campbell	Jacobs	Redford
Dallas	Knight	Rodney
DeLong	Leskiw	Sherman
Denis	Liepert	Tarchuk
Drysdale	Marz	Weadick
Fawcett	McQueen	Webber
Forsyth	Oberle	Woo-Paw
Groeneveld		

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

The following Bills were reported:

Bill 58 Corrections Amendment Act, 2009 — Mr. Griffiths

Bill 59 Mental Health Amendment Act, 2009 — Dr. Sherman

The following Bills were reported with some amendments:

Bill 53 Professional Corporations Statutes Amendment Act, 2009 — Mr. Weadick

Bill 61 Provincial Offences Procedure Amendment Act, 2009 — Mr. Lukaszuk

Progress was reported on the following Bill:

Bill 50 Electric Statutes Amendment Act, 2009 — Hon. Mr. Knight

Mr. Marz, 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 50 (introduced by the Hon. Minister of Energy on November 19, 2009) — Debate adjourned

Sessional Paper 663/2009

Subamendment to the Amendment to Bill 50 (Hon. Member for Calgary-Currie) — Defeated on division

Sessional Paper 664/2009

Amendment to Bill 53 (Hon. Member for Lethbridge-West) — Agreed to

Sessional Paper 665/2009

Amendment to Bill 61 (Hon. Member for Calgary-Egmont) — Agreed to

Sessional Paper 666/2009

Third Reading

The following Bills were read a Third time and passed:

Bill 56 Alberta Investment Management Corporation Amendment Act, 2009 —
Hon. Mr. Hancock on behalf of Hon. Ms Evans

Bill 57 Court of Queen's Bench Amendment Act, 2009 — Mr. Weadick

Adjournment

On motion by Hon. Mr. Hancock, Government House Leader, the Assembly adjourned at 11:28 p.m., until Tuesday, November 24, 2009, at 1:30 p.m.

Hon. Ken Kowalski,
Speaker

Title: Monday, November 23, 2009