



**Legislative Assembly
Province of Alberta**

No. 14

VOTES AND PROCEEDINGS

First Session

Thirty-First Legislature

Tuesday, November 28, 2023

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 the death of former Members Hon. Peter Elzinga, Member for Sherwood Park, 1986 to 1993, who passed away on November 8, 2023, and Donald A. Tannas, Member for Highwood, 1989 to 2004, who passed away on November 26, 2023.

Members' Statements

Mr. Ellingson, Hon. Member for Calgary-Foothills, made a statement regarding the lack of Government funding for new schools in the Calgary-Foothills constituency.

Ms de Jonge, Hon. Member for Chestermere-Strathmore, made a statement regarding the proposed federal clean electricity regulations.

Hon. Mr. Schmidt, Hon. Member for Edmonton-Gold Bar, made a statement regarding Bill 5, Public Sector Employers Amendment Act, 2023.

Mr. Sinclair, Hon. Member for Lesser Slave Lake, made a statement regarding Government actions to improve policing in northern Alberta.

Ms Hayter, Hon. Member for Calgary-Edgemont, made a statement regarding Motion Other Than a Government Motion 503.

Hon. Ms Gray, Official Opposition House Leader, made a statement regarding the Mill Woods Resource Fair.

Tabling Returns and Reports

Hon. Ms Hoffman, Hon. Member for Edmonton-Glenora:

E-mail message dated November 1, 2023, from Sean Kidd to the Edmonton-Glenora constituency office, expressing concern regarding the cost of automobile insurance in Alberta

Sessional Paper 131/2023

Ms Hayter, Hon. Member for Calgary-Edgemont:

Report dated June 2015, entitled “Birth Control Has Expanded Opportunity for Women – In Economic Advancement, Educational Attainment, and Health Outcomes,” prepared by the Planned Parenthood Federation of America, relating to comments made by Ms Hayter during debate on Motion Other Than a Government Motion 503 on November 27, 2023

Sessional Paper 132/2023

The New York Times website article dated October 9, 2023, entitled “Claudia Goldin Wins Nobel in Economics for Studying Women in the Work Force,” relating to comments made by Ms Hayter during debate on Motion Other Than a Government Motion 503 on November 27, 2023

Sessional Paper 133/2023

CBC News website article dated November 22, 2023, entitled “Women’s health advocates applaud Manitoba’s plan to subsidize prescription birth control,” relating to comments made by Ms Hayter during debate on Motion Other Than a Government Motion 503 on November 27, 2023

Sessional Paper 134/2023

Global News website article dated March 8, 2023, entitled “Alberta NDP promise free birth control if elected,” relating to comments made by Ms Hayter during debate on Motion Other Than a Government Motion 503 on November 27, 2023

Sessional Paper 135/2023

Ms de Jonge, Hon. Member for Chestermere-Strathmore:

CBC News website article, undated, entitled “Tidal power turbine owned by bankrupt company washes ashore on Brier Island”

Sessional Paper 136/2023

Hon. Ms Phillips, Hon. Member for Lethbridge-West:

Letter dated November 7, 2023, from Hon. Ms Phillips to Hon. Mr. Nally, Minister of Service Alberta and Red Tape Reduction, expressing concern regarding life leases

Sessional Paper 137/2023

2 pieces of correspondence, one dated January 14, 2021, from Chris Spearman, Mayor of Lethbridge, to Hon. Mr. Nixon, Minister of Seniors, Community and Social Services, and one dated October 11, 2023, from Blaine Hyggen, Mayor of Lethbridge, to Hon. Ms Schulz, Minister of Environment and Protected Areas, both expressing concern regarding the impacts of coal mining around the headwaters of the Oldman River

Sessional Paper 138/2023

E-mail message dated November 23, 2023, from Jarom Scott announcing that Tourism Lethbridge has won the Tourism Industry Association of Canada 2023 Culinary Tourism Experience Award

Sessional Paper 139/2023

Hon. Ms Gray, Official Opposition House Leader, on behalf of Hon. Ms Notley, Hon. Leader of the Official Opposition:

Report, undated, entitled “AER Third-Party Sampling 2023,” prepared by the Alberta Energy Regulator

Sessional Paper 140/2023

Hon. Mr. Cooper, Speaker of the Legislative Assembly, pursuant to the Freedom of Information and Protection of Privacy Act, cF-25, s63(2); the Health Information Act, cH-5, s95(2); and the Personal Information Protection Act, cP-6.5, s44(2):

Office of the Information and Privacy Commissioner of Alberta 2022-23 Annual Report

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ORDERS OF THE DAY

Government Motions

16. Oral notice having been given November 27, 2023, moved by Hon. Ms Smith:

BE IT RESOLVED that the Legislative Assembly approve, pursuant to section 3 of the *Alberta Sovereignty Within a United Canada Act*, the following motion:

1. The Legislative Assembly is of the view that
 - (a) in accordance with section 92A of *The Constitution Act, 1867*, the Alberta Legislature has exclusive legislative jurisdiction over, *inter alia*, the development, conservation and management of sites and facilities in Alberta for the generation and production of electrical energy,
 - (b) the Government of Canada has proposed the *Clean Electricity Regulations* (the “Federal Initiative”) with the intent of bringing them into force in the near future, and may consider amendments before that time,

- (c) the Federal Initiative, by its pith and substance, seeks to regulate the development, conservation and management of electricity sites and facilities in the province for the generation and production of electrical energy,
 - (d) the Federal Initiative mandates a set of emissions standards and timelines that are unattainable within the context of Alberta's electricity industry and available energy resources,
 - (e) the Federal Initiative is already having an extreme chilling effect on investment in Alberta's electricity generation industry, and further, is slowing investments in emissions reducing technology and projects,
 - (f) the Supreme Court of Canada recently issued a reference opinion that the *Impact Assessment Act* (Canada) is largely unconstitutional as it is *ultra vires* the federal legislative jurisdiction under section 91 of *The Constitution Act, 1867*, due to the legislative scheme intruding into areas of exclusive provincial legislative jurisdiction outlined in section 92A, which includes, *inter alia*, the development, conservation and management of sites and facilities in Alberta for the generation and production of electrical energy, and
 - (g) the Government is actively implementing its Emissions Reduction and Energy Development Plan to achieve a carbon neutral power grid and economy by 2050, which is in line with Canada's international commitments, but does not align with the Government of Canada's arbitrary 2035 net-zero electricity grid targets.
2. The Legislative Assembly is of the opinion that
- (a) the Federal Initiative is unconstitutional on the basis that it is not directed at a matter falling within section 91 of *The Constitution Act, 1867*, and impermissibly intrudes into an area of exclusive provincial jurisdiction, namely the development, conservation and management of facilities in the province for the generation of electrical energy as set out in section 92A of *The Constitution Act, 1867*,
 - (b) the Federal Initiative will cause or is anticipated to cause harm as follows:
 - (i) the Federal Initiative is already having an extreme chilling effect on investment in Alberta's electricity generation industry, and further, is slowing investments in emissions reducing technology and projects;
 - (ii) the Federal Initiative proposes to mandate a set of emissions standards and timelines that are unattainable within the context of Alberta's electricity market and available energy resources, and as such the implementation of the Federal Initiative in Alberta presents a substantial and material risk to the health and safety of Albertans by

(A) jeopardizing the safety and reliability of the provincial electricity grid and availability of sufficient electrical energy supply which dramatically increases the likelihood of widespread blackouts and brownouts during severe cold and hot weather events stemming from a lack of reliable and dispatchable base load electricity, and

(B) jeopardizing the affordable access to electrical energy, and

- (c) the Federal Initiative threatens the economic well-being of Albertans and the economic viability of the Alberta economy by dramatically increasing the cost of access to electrical energy through mandating hundreds of billions of dollars of public and private monies to be spent within an approximate 10-year period in technologies still under development and yet unproven for the required commercial application and grid infrastructure and services.

AND BE IT FURTHER RESOLVED that the Legislative Assembly urge the Lieutenant Governor in Council to consider the following responses to the Federal Initiative:

- (a) ensure that the Government and any provincial entity defined in the *Alberta Sovereignty Within a United Canada Act*, to the extent legally permissible, refrain from recognizing the constitutional validity of the Federal Initiative, from enforcing or aiding in the enforcement of the Federal Initiative, or co-operating with the implementation of the Federal Initiative within Alberta in any manner;
- (b) in consultation and collaboration with the Alberta Electric System Operator, the Alberta Utilities Commission, the Market Surveillance Administrator, consumers, industry, Indigenous communities, and other relevant stakeholders, develop electrical system reforms necessary to
- (i) ensure a safe and reliable provincial electricity grid to guarantee Albertans and Alberta businesses access to reliable electricity at all times,
- (ii) ensure access to affordable electricity for Albertans and Alberta businesses,
- (iii) work towards a carbon neutral provincial electricity grid in alignment with the Government's Emissions Reduction and Energy Development Plan through incentivizing the advancement of emission reducing technologies and legitimate carbon offsets,
- (iv) ensure Alberta's electrical generation, transmission, and distribution systems will accommodate the expected high population and economic growth in Alberta over the coming decades, and

- (v) preserve the interests and value of the capital investments made in Alberta's electricity system by private generators, transmitters, and distributors, enabling continued competition for generation, and attracting continued private investment in Alberta's electricity sector

(collectively, the "Provincial Electrical System Objectives");

- (c) in consultation and collaboration with the Alberta Electric System Operator, the Alberta Utilities Commission, the Market Surveillance Administrator, consumers, industry, Indigenous communities, and other relevant stakeholders, explore the feasibility and effectiveness of the potential establishment of a provincial Crown corporation for the purpose of achieving and securing the Provincial Electrical System Objectives.

AND BE IT FURTHER RESOLVED that the Legislative Assembly urge the Government to use all legal means necessary to oppose the implementation and enforcement of the Federal Initiative in Alberta, including launching a legal challenge in the Alberta Courts and to otherwise advance the objectives and initiatives described in this motion.

Hon. Ms Smith moved adjournment of the debate, which was agreed to.

Government Bills and Orders

Second Reading

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

Bill 2 Alberta Pension Protection Act — Hon. Mr. Horner

A debate followed.

Ms Sweet, Hon. Member for Edmonton-Manning, moved that the motion be amended by deleting all of the words after "that" and substituting the following:

Bill 2, Alberta Pension Protection Act, be not now read a Second time because the Assembly is of the view that the Bill, if enacted, would not adequately protect Albertans' pensions.

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A debate followed on the amendment.

Ms Al-Guneid moved adjournment of the debate on the amendment, which was agreed to.

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)

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

Progress was reported on the following Bill:

Bill 7 Engineering and Geoscience Professions Amendment Act, 2023 — Hon. Mrs. Sawhney

Mr. Lundy, 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 7 (A1) (Hon. Member for Edmonton-Decore) —
Adjourned

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Second Reading

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

Bill 5 Public Sector Employers Amendment Act, 2023 — Hon. Mr. Horner

A debate followed.

Debate adjourned, MLA Eremenko speaking.

Adjournment

Pursuant to Standing Order 4(2), the Assembly adjourned at 6:00 p.m. until Wednesday, November 29, 2023, at 1:30 p.m.

Hon. Nathan M. Cooper,
Speaker

Title: Tuesday, November 28, 2023