

# LEGISLATIVE REVIEW SUMMARY

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SPRING 2018 | 29TH LEGISLATURE, 4TH SESSION



Alberta **LAW**  
**FOUNDATION**



THE CANADIAN  
BAR ASSOCIATION  
Alberta Branch

# LEGISLATIVE REVIEW SUMMARY

## SPRING 2018 | 29TH LEGISLATURE, FOURTH SESSION

### HIGHLIGHTS

The 2018 spring session of the Legislature resulted in the passage of the following Acts:

1. *An Act to Empower Utility Consumers*, S.A. 2018 c.5
2. *An Act to Enable Clean Energy Improvements*, S.A. 2018 c.6
3. *An Act to Secure Alberta's Electricity Future*, S.A. 2018 c.10
4. *An Act to Strengthen Financial Security for Persons with Disabilities*, S.A. 2018 c.12
5. *Appropriation (Interim Supply) Act*, S.A. 2018 c.1
6. *Appropriation (Supplementary Supply) Act*, S.A. 2018 c.2
7. *Appropriation Act*, S.A. 2018 c.3
8. *Election Finances and Contributions Disclosure Statutes Amendment Act*, S.A. 2018 c.4
9. *Energy Diversification Act*, S.A. 2018 c.E-9.6
10. *Gaming and Liquor Statutes Amendment Act, 2018*, S.A. 2018 c.7
11. *Growth and Diversification Act*, S.A. 2018 c.8
12. *Lobbyists Amendment Act*, S.A. 2018 c.9
13. *Preserving Canada's Economic Prosperity Act*, S.A. 2018 c.P-21.5
14. *Protecting Choice for Women Accessing Health Care Act*, S.A. 2018 c.P-26.83
15. *Statutes Amendment Act*, S.A. 2018 c.11
16. *Supporting Alberta's Local Food Sector Act*, S.A. 2018 c.S-23.3
17. *Tax Statutes Amendment Act*, S.A. 2018 c.13

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### AMENDED LEGISLATION:

1. *A Better Deal for Consumers and Businesses Act*, S.A. 2017, c.18
2. *Alberta Corporate Tax Act*, R.S.A. 2000 c.A-15
3. *Alberta Human Rights Act*, R.S.A. 2000, c.A-25.5
4. *Alberta Personal Income Tax Act*, R.S.A. 2000, c.A-30
5. *Alberta Utilities Commission Act*, S.A. 2007, c A-37.2
6. *An Act to Control and Regulate Cannabis*, S.A. 2017, c.21
7. *An Act to Strengthen and Protect Democracy in Alberta*, S.A. 2017, c.29
8. *An Act to Strengthen Municipal Government*, S.A. 2017, c.13
9. *Assured Income for the Severely Handicapped Act*, S.A. 2006, c.A-45.1
10. *Assured Income for the Severely Handicapped General Regulation*, Alta Reg 91/2007
11. *Auditor General Act*, R.S.A. 2000, c.A-46
12. *Conflicts of Interest Act*, R.S.A. 2000, c.C-23
13. *Consumer Protection Act*, R.S.A. 2000, c.C-26.3

14. *Corrections Act*, R.S.A. 2000, c.C-29
15. *Drug-endangered Children Act*, S.A. 2006, c.D-17
16. *Election Act*, R.S.A. 2000, c.E-1
17. *Election Finances and Contributions Disclosure Act*, R.S.A. 2000, c.E-2
18. *Electric Utilities Act*, S.A. 2003, c.E-5.1
19. *Electronic Transactions Act*, S.A. 2001, c.E-5.5
20. *Employment Standards Code*, R.S.A. 2000, c.E-9
21. *Financial Administration Act*, R.S.A. 2000, c.F-12
22. *Freedom of Information and Protection of Privacy Act*, R.S.A. 2000, c.F-25
23. *Gaming and Liquor Act*, R.S.A. 2000, c.G-1
24. *Gas Utilities Act*, R.S.A. 2000, c.G-5
25. *Government Organization Act*, R.S.A. 2000, c.G-10
26. *Hydro and Electric Energy Act*, R.S.A. 2000, c.H-16
27. *Investing in a Diversified Alberta Economy Act*, S.A. 2016, c.I-10.5
28. *Lobbyists Act*, S.A. 2007, c L-20.5
29. *Municipal Government Act*, R.S.A. 2000, c.M-26
30. *Occupational Health and Safety Act*, S.A. 2017, c.O-2.1
31. *Promoting Job Creation and Diversification Act*, S.A. 2016, c.P-26.3
32. *Protection of Children Abusing Drugs Act*, S.A. 2005, c.P-27.5
33. *Public Interest Disclosure (Whistleblower Protection)*, S.A. 2012, c.P-39.5
34. *Public Sector Compensation Transparency Act*, S.A. 2005, c.P-40.5
35. *Public Service Act*, R.S.A. 2000, c.P-42
36. *Public Service Employee Relations Act*, R.S.A. 2000, c.P-43
37. *Reform of Agencies, Boards and Commissions Compensation Act*, S.A. 2016, c.R-8.5
38. *The Alberta Corporate Tax Act*, R.S.A. 2000, c.A-15
39. *The Assured Income for the Severely Handicapped Act*, S.A. 2006 c.A-45.1
40. *Vital Statistics Act*, S.A. 2007, c.V-4.1

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## DETAILED LISTING OF BILLS

### **Bill 1 - Energy Diversification Act, S.A. 2018 c.E-9.6**

**Summary:** *The Energy Diversification Act authorizes the Minister to establish programs which primarily support “economic growth and energy diversification”. The Act mandates an annual report to the Executive Council on the Minister’s Progress.*

**In Force:** June 11, 2018

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### **Bill 2 - Growth and Diversification Act, S.A. 2018 c.8**

**Amended:**

- *Investing in a Diversified Alberta Economy Act, S.A. 2016, c.I-10.5*
- *Promoting Job Creation and Diversification Act, S.A. 2016, c.P-26.3*
- *The Alberta Corporate Tax Act, R.S.A. 2000, c.A-15*

**Summary:** The Growth and Diversification Act amends the Alberta Corporate Tax Act by introducing new tax credits, including ones for interactive digital media. Companies have to apply for tax credit certificates within the application period determined by the Minister. The Act sets out the eligibility criteria for the tax credits. Practitioners are advised to review the Tax Statutes Amendment Act to determine how the amendments affect their practice.

**In Force:** On Proclamation

# LEGISLATIVE SUMMARY

## **Bill 3- Appropriation (Interim Supply) Act, S.A. 2018 c.1**

**Summary:** The Appropriation (Interim Supply) Act allowed the Alberta Government to pay certain charges of the Legislative Assembly of Alberta and of the Public Service (not otherwise provided for) for the fiscal year ending March 31, 2019.

**In Force:** March 28, 2018

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## **Bill 4 - Appropriation (Supplementary Supply) Act, S.A. 2018 c.2**

**Summary:** The Appropriation (Supplementary Supply) Act addresses charges and expenses of the Public Service (not otherwise provided for) for the fiscal year ending March 31, 2018.

**In Force:** March 28, 2018

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## **Bill 5 - An Act to Strengthen Financial Security For Persons With Disabilities, S.A. 2018 c.12**

**Amended:**

- *The Assured Income for the Severely Handicapped Act, S.A. 2006 c.A-45.1*
- *Assured Income for the Severely Handicapped General Regulation, 91/2007*

**Summary:** *An Act to Strengthen Financial Security for Persons with Disabilities amends the Assured Income for the Severely Handicapped Act to exempt trusts as assets when determining eligibility for the AISH program. The Act also provides for a one-year grace period after an AISH recipient and their cohabiting partner has received money, which is not income under the regulations, to invest the payment into an exempt asset.*

**In Force:** June 11, 2018

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## **Bill 6 - Gaming and Liquor Statutes Amendment Act, S.A. 2018 c.7**

**Amended:**

- *An Act to Control and Regulate Cannabis, S.A. 2017, c.21*
- *Conflicts of Interest Act, R.S.A. 2000, c.C-23*
- *Corrections Act, R.S.A. 2000, c.C-29*
- *Drug-endangered Children Act, S.A. 2006, c.D-17*
- *Gaming and Liquor Act, R.S.A. 2000, c.G-1*
- *Protection of Children Abusing Drugs Act, S.A. 2005, c.P-27.5*
- *Reform of Agencies, Boards and Commissions Compensation Act, S.A. 2016, c.R-8.5*

**Summary:** The Gaming and Liquor Statutes Amendment Act prohibits retailers from using any term, symbol or graphic, which is commonly associated with medicine, health or pharmaceuticals that has a medical connotation.

Maximum fines are increased the fine from \$200,000.00 to \$1 million.

The court could rely on evidence that a product is cannabis based on its packaging, labelling, or smell.

The Act changes the name of the Alberta Gaming and Liquor Commission to Alberta Gaming and Liquor Commission and increased the board's membership from seven to nine members, and extends the maximum term for board members from nine years to ten years. In addition, the bill would allow for temporary extensions of board appointments until a member is reappointed or replaced.

**In Force:** On Proclamation

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## **Bill 7 - Supporting Alberta's Local Food Sector Act, S.A. 2018 c.S-23.3**

**In Force:** Various

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**Bill 9 - Protecting Choice for Women Accessing Health Care Act, S.A. 2018 c.P-26.83**

**Summary:** *The Protecting Choice for Women Accessing Health Care Act, established access zones for abortion facilities, residences of physicians or abortion service providers. Certain activities are prohibited while in the access zones, including protest and interference. The Act prohibits the harassment of physicians or other persons who are trying to become physician who provide abortion services, by continuously or repeatedly observing them, or repeatedly communicating with physicians through fax, telephone, mail or electronic means. The Act also prohibits the sketching, videotaping, photographing, or making audio recordings of patients, doctors and staff within the access zone without the consent of the person. The maximum penalty for a first offence would be \$5,000.00 and/or six months in jail. The maximum penalty for repeat violations of the law is a \$10,000 fine for individuals and or a year in jail. A repeated offending corporation could face a \$100,000.00 fine. Corporations would face a maximum fine of \$25,000.00. However, persons may not be convicted for activities within the zone unless they knew the location of the access zone.*

**In Force:** June 11, 2018

**Bill 10 - An Act to Enable Clean Energy Improvements, S.A. 2018 c.6**

**Amended:** • *Municipal Government Act, R.S.A. 2000, c.M-26*

**Summary:** An Act to Enable Clean Energy Improvements enables municipalities to pass Clean Energy Improvement bylaws. The bylaws will provide mechanisms for property owners to finance affordable energy efficiency, renewable energy, and water conservation projects or upgrades to their property. The Act introduces a Clean Energy Improvement Tax and allows repayment to be collected through property owners' municipal tax bills.

**In Force:** On Proclamation

**Bill 11 - Lobbyists Amendment Act, S.A. 2018 c.9**

**Amended:** • *Lobbyists Act, S.A. 2007, c L-20.5*

**Summary:** Among other things, amendments to the Lobbyists Act lower the reporting threshold of annual lobbying activities from 100 to 50 hours. The Act also restrict lobbyists from giving money, gifts, or other items that would place a public office holder in a conflict of interest.

The Act also prohibits contingency fee payment to consultant lobbyists.

**In Force:** June 11, 2018, with exceptions

**Bill 12 - Preserving Canada's Economic Prosperity Act, S.A. 2018 c.P-21.5**

**Summary:** *Preserving Canada's Economic Prosperity Act authorizes the province to restrict the export of crude oil, natural gas and refined fuels, if necessary.*

**In Force:** On Proclamation

**Bill 13 - An Act to Secure Alberta's Electricity Future, S.A. 2018 c.10**

**Amended:**

- *Alberta Utilities Commission Act, S.A. 2007, c.A-37.2*
- *Electric Utilities Act, S.A. 2003, c.E-5.1*
- *Gas Utilities Act, R.S.A. 2000, c.G-5*
- *Hydro and Electric Energy Act, R.S.A. 2000, c.H-16*

# LEGISLATIVE SUMMARY

**Summary:** An Act to Secure Alberta's Electricity Future authorizes the Alberta Utilities Commission to adjudicate billing issues and to fine utility companies up to \$10,000 per day, per infraction. Overall, the Act introduces the legislative framework for Alberta's upcoming Capacity Market.

**In Force:** On Proclamations, with exceptions

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## **Bill 14 - An Act to Empower Utility Consumers, S.A. 2018 c.5**

**Summary:** An Act to Empower Utility Consumers extends the Utility Consumer Advocate's mandate to include water in addition to electricity and natural gas utilities.

**In Force:** On Proclamation

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## **Bill 15 - Appropriation Act, S.A. 2018 c.3**

**Summary:** The Appropriation Act provides funding authority to the offices of the Legislative Assembly and the Government for the 2018-19 fiscal year.

**In Force:** May 14, 2018

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## **Bill 16 - Election Finances and Contributions Disclosure Statutes Amendment Act, S.A. 2018 c.4**

**Amended:**

- An Act to Strengthen and Protect Democracy in Alberta, S.A. 2017, c.29
- Election Finances and Contributions Disclosure Act, R.S.A. 2000, c.E-2

**Summary:** The Act amends the Election Finances and Contributions Disclosure Act and An Act to Strengthen and Protect Democracy in Alberta.

*Under the Act, associated registered parties must abide by, and share the \$2 million spending cap that was previously imposed on political parties. The Act provides for a penalty of up to \$100,000.00 for contravention by associated registered parties or the chief financial officers of the associated registered parties.*

*Further, the maximum penalty for non-associated parties who exceed the spending limit is increased to \$100,000.00 The maximum penalty for registered candidates, registered nomination contestants, and their chief financial officers is increased to \$10,000.00.*

*The limit would apply from writ drop to the close of polls.*

*The amendments also enable the Election Commissioner to investigate whether two or more registered parties are associated registered parties. The Election Commissioner would be able to initiate an investigation on their own or at the request of the Chief Electoral Officer, an elector, or registered party. The Act revises the definition of election advertising period to include by-elections.*

**In Force:** June 11, 2018, with exceptions

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## **Bill 17 - Tax Statutes Amendment Act, S.A. 2018 c.13**

**Amended:**

- Alberta Corporate Tax Act, R.S.A. 2000 c.A-15
- Alberta Personal Income Tax Act, R.S.A. 2000, c.A-30

**Summary:** *The Act amends the Alberta Corporate Tax Act and the Alberta Personal Income Tax Act. The amendments are largely administrative in order to maintain consistency between federal and provincial legislation and to repeal expired provincial provisions. Practitioners are advised to review the Tax Statutes Amendment Act to determine how the amendments affect their areas of practice.*

**In Force:** June 11, 2018, with exceptions

**Bill 18 - Statutes Amendment Act, S.A. 2018 c.11**

- Amended:**
- *A Better Deal for Consumers and Businesses Act, S.A. 2017, c.18*
  - *Alberta Corporate Tax Act, R.S.A. 2000, c.A-15*
  - *Alberta Human Rights Act, R.S.A. 2000, c.A-25.5*
  - *An Act to Strengthen Municipal Government, S.A. 2017, c.13*
  - *Auditor General Act, R.S.A. 2000, c.A-46*
  - *Conflicts of Interest Act, R.S.A. 2000, c.C-23*
  - *Consumer Protection Act, R.S.A. 2000, c.C-26.3*
  - *Election Act, R.S.A. 2000, c.E-1*
  - *Electronic Transactions Act, S.A. 2001, c.E-5.5*
  - *Employment Standards Code, R.S.A. 2000, c.E-9*
  - *Financial Administration Act, R.S.A. 2000, c.F-12*
  - *Freedom of Information and Protection of Privacy Act, R.S.A. 2000, c.F-25*
  - *Municipal Government Act, R.S.A. 2000, c.M-26*
  - *Occupational Health and Safety Act, S.A. 2017, c.O-2.1*
  - *Public Interest Disclosure (Whistleblower Protection), S.A. 2012, c.P-39.5*
  - *Public Sector Compensation Transparency Act, S.A. 2005, c.P-40.5*
  - *Public Service Act, R.S.A. 2000, c.P-42*
  - *Public Service Employee Relations Act, R.S.A. 2000, c.P-43*
  - *Vital Statistics Act, S.A. 2007, c.V-4.1*

**Summary:** *The Statutes Amendment Act amends a long list of acts. Some of the amendments are housekeeping changes (such as substituting the new title of the "Fair Trading Act" which is now the "Consumer Protection Act" "leave" for "permission" of the Court, and "motion" for "application"). However the more substantive amendments include:*

- *adding the Office of the Election Commissioner to the list of persons who are considered to be in the Public Sector Body and whose compensation amount must be disclosed annually pursuant to the Public Sector Compensation Act; and*
- *deleting "self-contained dwelling unit" from the list of housing protected from tenant discrimination under the Alberta Human Rights Act.*

*There are some other substantive changes, and practitioners are advised to review the Statutes Amendment Act to determine how the amendments affect their areas of practice.*

**In Force:** June 11, 2018

# LEGISLATIVE SUMMARY

*The Legislative Review Committee is a joint committee of the Law Society of Alberta and the Canadian Bar Association - Alberta Branch and, in addition receives funding from the Alberta Law Foundation. It has subcommittees in both Edmonton and Calgary and has filled a role in the legislative review process in Alberta for over 30 years. The Committee reviews all bills introduced in the Alberta Legislature and provides comments and assistance to both Government and the Bar on drafting and operative aspects of legislation and amending legislation. The Committee is often called upon confidentially to give legal practitioners' input on draft legislation and regulations. It plays significant roles in the shaping of the Personal Property Security Act, the Civil Enforcement Act, the Builders' Lien Act and other Alberta statutes. Its chairperson sits as a member of various stakeholder committees consulted by Government, including the Registry Liaison Committee, which have helped shape statute law.*

*The Committee draws upon practitioners with a wide range of practical experience, some of whom have served for many years. It also, through its Legislative Liaison Officer, facilitates input by CBA sections, the Law Society, and business and community groups on the policy of legislation.*



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