

LEGISLATIVE REVIEW SUMMARY

SPRING 2019 | 30TH LEGISLATURE, FIRST SESSION



Alberta **LAW**
FOUNDATION



THE CANADIAN
BAR ASSOCIATION
Alberta Branch

LEGISLATIVE REVIEW SUMMARY

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HIGHLIGHTS

The 2019 fall session of the Legislature resulted in the passage of the following Acts:

1. *Alberta Personal Income Tax Amendment Act*, SA 2019 c. 2
2. *Alberta Senate Election Act*, SA 2019 c. A-33.5
3. *An Act to Make Alberta Open for Business*, SA 2019 c. 8
4. *An Act to Repeal the Carbon Tax*, SA 2019 c. 1
5. *Appropriation (Interim Supply) Act*, SA 2019 c. 3
6. *Appropriation (Supplementary Supply) Act*, SA 2019 c. 4
7. *Education Amendment Act*, SA 2019 c. 7
8. *Fair Registration Practices Act*, SA 2019 c. F-1.5
9. *Job Creation Tax Cut (Alberta Corporate Tax Amendment) Act*, SA 2019 c. 5
10. *Municipal Government (Property Tax Incentives) Amendment Act*, SA 2019 c. 6
11. *Public Sector Wage Arbitration Deferral Act*, SA 2019 c. P-41.7
12. *Red Tape Reduction Act*, SA 2019 c. R-8.2
13. *Royalty Guarantee Act*, SA 2019 c. 9

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AMENDED LEGISLATION:

1. *Adult Interdependent Relationships Act*, SA 2002 c. A-4.5
2. *Alberta Corporate Tax Act*, RSA 2000 c. A-15
3. *Alberta Personal Income Tax Act*, RSA 2000 c. A-30
4. *An Act to Repeal the Carbon Tax*, SA 2019 c. 1
5. *City Charters Fiscal Framework Act*, SA 2018 c. C-13.3
6. *Education Act*, SA 2012 c. E-0.3
7. *Election Act*, RSA 2000 c. E-1
8. *Election Finances and Contributions Disclosure Act*, RSA 2000 c. E-2
9. *Employment Standards Code*, RSA 2000 c. E-9
10. *Fuel Tax Act*, SA 2006 c. F-28.1
11. *Labour Relations Code*, RSA 2000 c. L-1
12. *Mines and Minerals Act*, RSA 2000 c. M-17
13. *Municipal Government Act*, RSA 2000 c. M-26
14. *School Amendment Act*, SA 2017 c. 28
15. *The Apprenticeship and Industry Training Act*, RSA 2000 c. A-42
16. *The Children First Act*, SA 2013 c. C-12.5
17. *The City Charters Fiscal Framework Act*, SA 2018 c. C-13.5
18. *The Election Act*, RSA 2000 c. E-1

- 19. *The Income and Employment Supports Act*, SA 2003 c. I-0.5
- 20. *The Irrigation Districts Act*, RSA 2000 c. L-11
- 21. *The Lobbyists Act*, SA 2007 c. L-20.5
- 22. *The Northland School Division Act*, SA 2017 c. N-5.1



REPEALED LEGISLATION:

- 1. *Climate Leadership Act*, SA 2016 c. C-16.9



DETAILED LISTING OF BILLS

Bill 1 - An Act to Repeal the Carbon Tax

- Amended:**
- *Alberta Personal Income Tax Act*, RSA 2000 c. A-30
 - *An Act to Repeal the Carbon Tax*, S.A. 2019 c. 1
 - *City Charters Fiscal Framework Act*, SA 2018 c. C-13.3
 - *Fuel Tax Act*, SA 2006 c. F-28.1

Summary: *An Act to Repeal the Carbon Tax* repeals the *Climate Leadership Act* and makes consequential amendments.

In Force: Various

Bill 2 - An Act to Make Alberta Open for Business

- Amended**
- *Education Act*, SA 2012 cE-0.3
 - *Employment Standards Code*, RSA 2000 cE-9
 - *Labour Relations Code*, RSA 2000 cL-1

Summary: The *Act to Make Alberta Open for Business* amends the *Education Act*, *Employment Standards Code* and the *Labour Relations Code*. Amongst other things:

- Employees must work 30 days in the 12 months before a general holiday to qualify for general holiday pay.
- If an employee works on a holiday which falls on a normal workday for the employee, they are still entitled to the same amount of general holiday pay.
- Regarding holiday pay, employees should get:
 - their regular wage rate for hours worked and average daily wage with one day off work; or
 - 1.5 times their regular wage for hours worked and average daily wage.
- If an employee works on a holiday which falls on a day that they do not normally work, the employee is entitled to 1.5 times their regular wage rate for hours worked.
- An employee who does not works on a holiday that is not normally a workday for them, is not entitled to general holiday pay
- Changes have also been made to banked overtime.

In Force: Various

LEGISLATIVE SUMMARY

Bill 3 - Job Creation Tax Cut (Alberta Corporate Tax Amendment) Act

Amended: • *Alberta Corporate Tax Act*, RSA 2000 c. A-15

Summary: The *Job Creation Tax Cut (Alberta Corporate Tax Amendment) Act* reduced Alberta's corporate tax rate from 12% to 11% on July 1, 2019. After that date, the corporate tax rate will be further reduce by 1% each year until it is 8% in 2022.

In Force: June 28, 2019

Bill 4 - Red Tape Reduction Act

Summary: The *Red Tape Reduction Act* requires Ministers to prepare written reports outlining government strategies and initiatives to eliminate unnecessary regulatory and administrative requirements.

In Force: June 28, 2019

Bill 5 - Appropriation (Supplementary Supply) Act

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, 2019.

In Force: June 28, 2019

Bill 6 - Appropriation (Interim Supply) Act

Summary: The *Appropriation (Interim Supply) Act* allows 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, 2020.

In Force: June 28, 2019

Bill 7 - Municipal Government (Property Tax Incentives) Amendment Act

Amended: • *Municipal Government Act*, RSA 2000 c. M-26

Summary: The *Municipal Government (Property Tax Incentives) Amendment Act* allows municipalities to provide non-residential property tax incentives for a maximum of 15 years. The decisions to provide those incentives which must be written, are appealable and may continue beyond annexation of one municipality or a portion thereof by another.

In Force: June 28, 2019

Bill 8 - Education Amendment Act

- Amended:**
- *Adult Interdependent Relationships Act*, SA 2002 c. A-4.5
 - *Education Act*, SA 2012 c. E-0.3
 - *School Amendment Act*, SA 2017 c. 28
 - *The Apprenticeship and Industry Training Act*, RSA 2000 c. A-42
 - *The Children First Act*, SA 2013 c. C-12.5
 - *The City Carters Fiscal Framework Act*, SA 2018 c. C-13.5
 - *The Election Act*, RSA 2000 c. E-1
 - *The Income and Employment Supports Act*, SA 2003 c. I-0.5
 - *The Irrigation Districts Act*, RSA 2000 c. L-11
 - *The Lobbyists Act*, SA 2007 c. L-20.5
 - *The Northland School Division Act*, SA 2017 c. N-5.1

Summary: The *Education Amendment Act* amends various legislation.

Access to education programs is now from ages 6 to 19 instead of ages 6 to 21. However, a board may permit persons who are older or younger to access an education program if they meet specified criteria.

Children in the care of a foster parent under the *Child, Youth and Family Enhancement Act* are deemed to be resident students of the board of the school division in which the foster parents reside.

The requirement for School boards to confirm or amend boundaries of their existing wards or electoral subdivisions by March 31, 2017 has been extended to December 31, 2020.

The Lieutenant Governor in Council may exempt an accredited private school or a class of accredited private schools from the requirement for a board to provide a continuum of specialized supports and services to students.

Practitioners are advised to review the *Education Amendment Act* to determine how the amendments affect their practice.

In Force: July 18, 2019

Bill 9 - Public Sector Wage Arbitration Deferral Act

Summary: The *Public Sector Wage Arbitration Deferral Act* postpones the start of arbitration hearings until after October 31, 2019 and temporarily suspends hearings that are already underway until October 31, 2019.

Further, November 30, 2019 wage reopener deadlines have been postponed to December 15, 2019 (for arbitrations previously scheduled for June 30, 2019 to October 1, 2019) and March 15, 2020 (for arbitrations previously scheduled for October 2, 2019 to November 30, 2019).

In Force: June 28, 2019

Bill 10 - Alberta Personal Income Tax Amendment Act

- Amended:**
- *Alberta Personal Income Tax Act*, RSA 2000 c. A-30

Summary: The *Alberta Personal Income Tax Amendment Act* introduced a few technical changes to the *Alberta Personal Income Tax Act*. Practitioners are advised to review the *Alberta Personal Income Tax Amendment Act* to determine how the amendments affect their practice.

In Force: Various

LEGISLATIVE SUMMARY

Bill 11 - Fair Registration Practices Act

Summary: The *Fair Registration Practices Act* regulates the registration practices of regulatory bodies.

The Act codifies duties by regulatory bodies listed in the Act to their applicants, to provide information to their applicants and to make some other specified information publicly available. The regulatory bodies have to make interim decisions on complete applications for registration within six months and registration decisions within a reasonable time.

The regulatory bodies must also submit reports regarding fair registration practices to the Minister. The Act also authorizes the Minister to create a Fair Registration Practices Office. The Act prevails even in the face of any inconsistency or conflict with other enactment.

In Force: On proclamation

Bill 12 - Royalty Guarantee Act

Amended: • *Mines and Minerals Act, RSA 2000 cM-17*

Summary: The *Royalty Guarantee Act* prohibits any fundamental restructuring of the legislative framework for hydrocarbon (excluding coal) royalties for a period of at least 10 years from the date the well commences production.

Bill 12 also confirms that the transition to the Modernized Royalty Framework of 2017 for wells drilled on or before December 31, 2016 will occur as planned in 2026.

In Force: July 18, 2019

Bill 13 - Alberta Senate Election Act

Amended: • *Education Act, SA 2012 c. E-0.3*
• *Election Act, RSA 2000 c. E-1*
• *Election Finances and Contributions Disclosure Act, RSA 2000 c. E-2*

Summary: The *Alberta Senate Election Act* resurrects and changes provisions of legislation which expired in 2016. Among other things, the Act limits campaign spending to \$500,000 per candidate and party's spending to 20% of the candidate's spending limit. Further, the Act allows voters to elect a Senate nominee and limits the number of elected candidates to 3, unless otherwise set out in the election order. The Act also reduces the number of signatures required for an election nomination from 1,500 to 500 and applied third-party advertising rules to Senate nominee elections.

There is no longer an expiry date to this legislation unlike its predecessor which expired in 2016.

In Force: July 18, 2019

The Canadian Bar Association - Alberta Branch Legislative Review Committee is partially funded by 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 play 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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