

To: Members of the House of Assembly

From: Clerk of the House of Assembly

Date: February 9, 2010

Subject: Rule Amendments

- Overnight Accommodations
- Secondary Residences
- Modes of Travel

At the February 3 meeting, the House of Assembly Management Commission approved amendments to the *Members' Resources and Allowances Rules* in response to recommendations by the Members' Compensation Review Committee respecting Overnight Accommodations, Secondary Residences and Modes of Travel.

The amending process of subsection 15(5) of the *House of Assembly Accountability, Integrity and Administration Act* requires the rule amendments to be tabled and given first approval at a Management Commission meeting, distributed to each MHA (if the House is not in session), posted on the HOA website, voted upon at a subsequent meeting of the Commission and forwarded to the Office of the Legislative Counsel in preparation for publication in the NL Gazette. **The rule amendments will become effective on the date they are Gazetted. The Act does not provide for the retroactive application of amendments to rules.**

This memo serves to address the requirement of paragraph 15(5)(b) regarding appropriate notice to Members.

The following draft amendments to the *Members' Resources and Allowances Rules* were tabled and given first approval at the February 3, 2010 meeting of the House of Assembly Management Commission.

The text of all amendments is subject to final drafting of the subordinate legislation by the Office of Legislative Counsel.

Overnight Accommodations

The *Members' Resources and Allowances Rules* are amended by adding the following immediately after section 37:

Accommodations when traveling long distances

- 37.1(1) Notwithstanding anything to the contrary in sections 31 to 37, a member who maintains
- (a) a permanent residence in his or her constituency which is outside the capital region; or
 - (b) a permanent residence within the capital region but represents a constituency outside the capital region; or
 - (c) a permanent residence outside the capital region in a location that is not in his or her constituency and the constituency is outside the capital region,

and his or her permanent residence or constituency is in a district listed in subsection (2), that member may claim reimbursement for the costs associated with travel between his or her constituency or permanent residence and the capital region, as follows

- (d) with receipts, the actual cost of temporary standard room accommodations for one night while in transit; or
 - (e) without receipts, \$53 on the island portion of the province and \$71 in Labrador for one night while in transit when staying in private accommodations; and
 - (f) without receipts, the prorated portion of the \$50 daily meal allowance, as contribution to the cost of meals while in transit.
- (2) The districts to which subsection (1) applies are:
- (a) Baie Verte-Springdale;
 - (b) Bay of Islands;
 - (c) Bonavista North
 - (d) Burgeo-La Poile;
 - (e) Cartwright-L'anse au Clair;
 - (f) Exploits;
 - (g) Fortune Bay- Cape LaHune
 - (h) Grand Bank;
 - (i) Grand Falls-Winsor-Buchans;
 - (j) Grand Falls-Windsor-Green Bay South;

- (k) Humber East;
- (l) Humber Valley;
- (m) Humber West;
- (n) Labrador West;
- (o) Lake Melville;
- (p) Lewisporte;
- (q) Port au Port;
- (r) St. Barbe;
- (s) St. George's-Stephenville East;
- (t) The Isles of Notre Dame;
- (u) The Straits-White Bay North; and
- (v) Torngat Mountains.

- (3) Where a claim is made under subsection (1), the night for which an amount was claimed shall not be included in the number of nights of allowable accommodation permitted under this Part.

Secondary Residences

- 1.(1) Subsection 31(1) of the *Members' Resources and Allowances Rules* is amended by renumbering it as section 31.
 - (2) Paragraph 31(1)(b) of the Rules is repealed and the following is substituted:
 - (b) for each day that the House of Assembly is in session,
 - (i) with receipts, the actual cost of temporary standard room accommodations for each night the member actually occupies the accommodations, or
 - (ii) without receipts, a daily amount, of \$53 on the island portion of the province and \$71 in Labrador when staying in private accommodations, or
 - (iii) without receipts, \$53 for each night the member actually occupies his or her secondary residence; and
 - (3) Subsection 31(2) of the Rules is repealed.
- 2. Paragraph 32(2)(b) of the Rules is repealed and the following is substituted
 - (b) for a maximum of 3 nights during a trip,

- (i) with receipts, the actual cost of temporary standard room accommodations for each night the member actually occupies the accommodations, or
- (ii) without receipts, a daily amount, of \$53 on the island portion of the province and \$71 in Labrador when staying in private accommodations, or
- (iii) without receipts, \$53 for each night the member actually occupies his or her secondary residence; and

3. Paragraph 33(b) of the Rules is repealed and the following is substituted

- (b) for a maximum of 3 nights during a trip,
 - (i) with receipts, the actual cost of temporary standard room accommodations for each night the member actually occupies the accommodations, or
 - (ii) without receipts, a daily amount, of \$53 on the island portion of the province and \$71 in Labrador when staying in private accommodations, or
 - (iii) without receipts, \$53 for each night the member actually occupies his or her secondary residence; and

4. Paragraph 35(b) of the Rules is repealed and the following is substituted

- (b) for not more than 50 nights
 - (i) with receipts, the actual cost of temporary standard room accommodations for each night the member actually occupies the accommodations, or
 - (ii) without receipts, a daily amount, of \$53 on the island portion of the province and \$71 in Labrador when staying in private accommodations, or
 - (iii) without receipts, \$53 for each night the member actually occupies his or her secondary residence; and

5. Paragraph 36(2)(b) of the Rules is repealed and the following is substituted
 - (b) for not more than 50 nights
 - (i) with receipts, the actual cost of temporary standard room accommodations for each night the member actually occupies the accommodations, or
 - (ii) without receipts, a daily amount, of \$53 on the island portion of the province and \$71 in Labrador when staying in private accommodations, or
 - (iii) without receipts, \$53 for each night the member actually occupies his or her secondary residence; and

6. Paragraph 37(b) of the Rules is repealed and the following is substituted
 - (b) for not more than 50 nights
 - (i) with receipts, the actual cost of temporary standard room accommodations for each night the member actually occupies the accommodations, or
 - (ii) without receipts, a daily amount, of \$53 on the island portion of the province and \$71 in Labrador when staying in private accommodations, or
 - (iii) without receipts, \$53 for each night the member actually occupies his or her secondary residence; and

7. Paragraph 38(2)(b) is repealed and the following is substituted
 - (b) within his or her constituency
 - (i) with receipts, the actual cost of temporary standard room accommodations for each night the member actually occupies the accommodations, or
 - (ii) without receipts, a daily amount, of \$53 on the island portion of the province and \$71 in Labrador when staying in private accommodations, or
 - (iii) without receipts, \$53 for each night the member actually occupies his or her secondary residence; and

8. Subsections 41(2), (3) and (4) of the Rules are repealed.

Modes of Travel

- 1.(1) Paragraph 38(2)(a) of the *Members' Resources and Allowances Rules* is amended by deleting the comma, words and number “, in accordance with section 40”.
2. Section 40 of the Rules is amended by adding immediately after subsection (3) the following:
 - (3.1) Notwithstanding subsection (2), where, on a regular basis, a member proposes to travel by means other than the means mentioned in subsection (1), the member may make a proposal to the commission respecting that travel and the commission may, by directive approve that travel upon those terms and conditions that the commission considers to be appropriate without further need for the member to make an application under subsection (2).