



Legislative Assembly of Alberta

The 28th Legislature  
First Session

Special Standing Committee  
on  
Members' Services

Friday, March 15, 2013  
8:35 a.m.

Transcript No. 28-1-12

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The 28th Legislature  
First Session**

**Special Standing Committee on Members' Services**

Zwozdesky, Hon. Gene, Edmonton-Mill Creek (PC), Chair  
Rogers, George, Leduc-Beaumont (PC), Deputy Chair

Barnes, Drew, Cypress-Medicine Hat (W)\*  
Casey, Ron, Banff-Cochrane (PC)  
Dorward, David C., Edmonton-Gold Bar (PC)\*\*  
Forsyth, Heather, Calgary-Fish Creek (W)  
Fraser, Rick, Calgary-South East (PC)  
Kennedy-Glans, Donna, Calgary-Varsity (PC)  
Mason, Brian, Edmonton-Highlands-Norwood (ND)  
McDonald, Everett, Grande Prairie-Smoky (PC)  
Olesen, Cathy, Sherwood Park (PC)\*\*\*  
Quest, Dave, Strathcona-Sherwood Park (PC)  
Sherman, Dr. Raj, Edmonton-Meadowlark (AL)  
Smith, Danielle, Highwood (W)

\* substitution for Heather Forsyth

\*\* substitution for Ron Casey

\*\*\* substitution for Donna Kennedy-Glans

**Also in Attendance**

Young, Steve, Edmonton-Riverview (PC)

**Support Staff**

W.J. David McNeil	Clerk
Allison Quast	Executive Assistant to the Clerk
Bev Alenius	Executive Assistant to the Chair
Robert H. Reynolds, QC	Law Clerk/Director of Interparliamentary Relations
Shannon Dean	Senior Parliamentary Counsel/ Director of House Services
Brian G. Hodgson	Sergeant-at-Arms
Cheryl Scarlett	Director of Human Resources, Information Technology and Broadcast Services
Scott Ellis	Director and Senior Financial Officer, Financial Management and Administrative Services
Liz Sim	Managing Editor of <i>Alberta Hansard</i>

8:35 a.m.

Friday, March 15, 2013

[Mr. Zwozdesky in the chair]

**The Chair:** It's my pleasure to call this meeting of the Members' Services Committee to order at this time. I don't have any housekeeping items to update you on, so I'll just ask if anyone else does. Anything that traditionally comes under housekeeping?

Hearing none, let me move on, then, and just say a special welcome to the new members, some of whom are here with us today. As we know, there were a number of committees – in fact, I think all committees were somehow re-membered a week or so ago. We welcome Mr. Rogers officially in his new capacity as a member and also as deputy chair. We welcome Mr. Fraser as a new member. We welcome Mr. Everett McDonald as a new member. Who else do we have that's a new member here? Cathy Olesen.

**Ms Olesen:** I'm just sitting in for Donna Kennedy-Glans.

**The Chair:** You're subbing for Donna Kennedy-Glans as a new member.

David Dorward, you're subbing for Mr. Ron Casey, who is a new member that we'll be welcoming another time. I think that's it.

We're still absent Dr. Sherman and Mr. Mason, but let us get started. We have before us an agenda. I wonder if I could get a motion to approve the agenda as circulated.

**Mr. Rogers:** So moved, Mr. Chairman.

**The Chair:** Moved by Mr. Rogers. All in favour? Any opposed? Okay. That's carried. We can then move on. I'm specifically talking about the revised agenda. I should make that clear.

We have some minutes from February 27. Just on this subject, hon. members, so you know, I took it upon myself to circulate to all new members minutes of the previous few meetings, including *Hansard*, just so that the learning curve would be more easily facilitated to acclimatize them to their new duties and bring them up to speed, so to speak, with what's transpired in the past, hoping that that would not only familiarize them with what the committee has done but that it would also help facilitate a better and more effective meeting today and going forward.

That having been said, I'm looking for a motion to approve the minutes of February 27, 2013, of this committee. Mr. Everett McDonald, is that your hand that moved?

**Mr. McDonald:** Yes.

**The Chair:** Okay. Moved by Mr. Everett McDonald. Any discussion on the minutes or the motion?

If not, those in favour of the motion to approve the minutes, please indicate by saying yes. Any opposed? That motion is carried.

Let us move on, then. We have one point under old business, which is an update from the working group on constituency office budgeting. I think we're pleased that Mr. Dorward is here in a subbing capacity because he was the chair of this working group, and I recognize that we'll need to appoint a new chair shortly.

In the meantime, I just wonder if as an outgoing chair of that working group, Mr. Dorward, you had any comment that you might wish to make, or the other members who were working with you, and I believe that would have been Mrs. Forsyth. She may have passed something on to Drew, her official designate, or to her leader, but let's start with you, Mr. Dorward.

**Mr. Dorward:** Yes. Thank you, Mr. Chair. Well, we met a couple of times. There were several areas of conversation but two broad categories. One would be looking at the allocation of funds that are paid to MLAs to run their offices. There's a matrix calculation done, so it was looking at the details of the matrix and whether the matrix was meeting the needs of defining what different MLAs across the province should get for a portion of their allowance that they get to use to run their offices. That was the subject of some conversation.

In that category I'd also include office rents. We tried to and did ferret out a number of issues that are different between rural, urban, north, south, inner city, non inner city, inside urban areas, and we inventoried those, if you will. We did not come up with any recommendations therein, but we certainly talked about that.

Also, the other broad category of discussion was relative to two or three – four, actually, I think there are in total – pockets of funding that are available within the budget. MLAs are allowed to go into that bucket and make expenses, for example parking. We had a healthy discussion about whether or not those pockets should be included in the overall arbitrary or discretionary funding for an MLA, which wouldn't increase the total budget at all for an MLA but would allow them to be able to have flexibility within their own budget and also would allow the LAO to have an easier accounting world somewhat because they wouldn't have to account for those expenditures within those various buckets. Taking into account that administrative softening of the burden there and the flexibility, we thought that was a sound principle.

Mr. Chair, that had already been done with respect to two of those four in the '13-14 budget that we already approved prior to Christmastime. We came forward with a soft recommendation to this table, wanting this table to make a decision about two things: whether to ask the committee to make that change for all four of those buckets for the '12-13 year-end, which would then allow that flexibility within the budget for this fiscal year, and then also making it so that all four of those buckets going forward into '13-14 could be brought into the discretionary portion of the allowance that's paid to MLAs. We thought that those were both sound principles and that it was just a matter of framing the wording, so the counsel for the committee or Legislative Assembly Office was going to possibly have some time to bring together the wording of a motion.

Then we had difficulty finding a time when everybody could get together, and we ended up having the change in the standing orders prior to the ability we had to get together to review any of that wording, so we didn't meet to review it. If there's time now, I would highly encourage this committee to discuss the concept or ask questions about the concept I just mentioned with a view to at least trying to get it changed for '13-14, if not already changing it for '12-13, which, I know, in talking to a lot of my colleagues, would take some stress off their budgets for this year, Mr. Chair.

Thank you for the opportunity.

**The Chair:** Thank you. Who sits on that committee with you? I know Mrs. Forsyth does.

**Mr. Dorward:** Yeah. Mr. Goudreau, Mrs. Forsyth, Mr. Mason, and Dr. Sherman.

**The Chair:** Mr. Goudreau is off, Mr. Mason is not here, and Dr. Sherman is not here, so let me go to Drew Barnes first. You're officially representing Heather. I don't know if she left you any pointers with respect to issues that the chair of the working group just mentioned or not. Or maybe Danielle. Do either of you have any update from your perspective?

**Ms Smith:** I do not. I did not talk to Heather about that, so I do not. I don't know if Drew does.

**Mr. Barnes:** No. I did not talk to Heather about that either, so I do not.

**The Chair:** Yeah. Fair enough because I don't think the committee formally met.

David, there was maybe some chat that you had with members.

**Mr. Dorward:** That's correct. Mr. Chair, you're absolutely right. We did not meet after the brief discussion we had at this table saying that possibly we needed to make sure that the wording that we would approach that with would work within the standing orders and other ways that these pockets of money are structured.

**The Chair:** Okay. Just to update particularly new members, I'm going to get Scott Ellis, who's with us at the table – and so is Cheryl Scarlett. Just for the record we also have Bev Alenius from my office and Parliamentary Counsel Rob Reynolds. Our Clerk is David McNeil, and our clerk/secretary for the committee is Allison Quast. They are all here as well.

I want to just clarify something here with regard to your last point, David Dorward, and that is with respect to the four areas that we've talked about in previous meetings that affect members' expenses. One of them is parking. One of them is postage. One of them is photocopying. What's the fourth one?

**Mr. Ellis:** There was stationery, postage, the xerox copying charges for colour copiers, and then there was the parking. I think those were the four.

**The Chair:** And the parking. We did make, after a lot of discussion at this table, some decisions with respect to how we would make the monies, so to speak, more flexible insofar as postage, for example, is concerned. It is no longer enveloped. In other words, it's not dedicated as such. You can use it for postage or other money. The effective date of that was what?

**Mr. Ellis:** April 1 for both the stationery and the postage, which in total amounts to approximately \$2,000.

**The Chair:** Yeah. So just to reiterate for new members primarily, you have in your member's allowance money dedicated for postage, a certain amount, and you have money dedicated for stationery. If memory serves me correctly, we said that starting April 1 we are going to unenvelope, so to speak, those two categories, which means you can certainly use money that you had before for postage and for stationery. However, if there are additional monies left over because you didn't spend it all on postage or you didn't spend it all on stationery, you could use it for anything else that's eligible at your constituency office. That was a big hit with members because the world has changed. Postage is used by some, not at all or very little by others, and so on.

8:45

Now, with respect to the other two, parking and photocopying, we have left those the way they sit for the moment. Perhaps the working group might want to reflect on that and come back with some kind of a recommendation. Is there any other discussion on it?

Before we go on, I just want to welcome Dr. Sherman officially. He is here. Thank you.

Anyone else want to chime in on anything that the working group has referenced?

Hearing no one, perhaps we could choose a new chair of this working group, and we will do that before the meeting adjourns. If

you wish to be the volunteer chair of this group, please send me a note, or if you're joining us by teleconference, send an e-mail to: allison.quast@assembly.ab.ca. We'll take that under consideration right after the comfort break.

Okay. Thank you for that. Can I move on, then, to item 4(b)? Yes? No one is opposed? Let us go to temporary residence allowance/MLA travel allowances.

Who wishes to pick up where we left off on this? Mr. Rogers. I'll develop a speaking list. Please let me know as we go.

**Mr. Rogers:** Well, thank you, Mr. Chairman. Just to pick up on where we left off last time. Of course, as you know, the whole intent of the process that we had gone through leading up to the last meeting was to provide some clarity on the matter of temporary residence allowances. I think that clarity really covers three areas that I would just remind us of, clarity to the members in terms of what a member is able to claim. I think it's important for a budgeting process that we know with as much clarity as we can what the budgeting implications are on an ongoing annual basis for this item.

I would say that even more important, Mr. Chairman, or as important is to provide some transparency to our public as to these costs, what they mean, and what they're intended to cover, and as such I'm looking forward to the discussion today and, hopefully, providing some resolution on this.

It was important to note that Dr. McNeil reminded us at the last meeting that the proposal as it was before us did not take into account some members. Apparently, a number of members – I believe it was four members that were mentioned – had not declared a temporary residence, or a capital residence, whatever the proper term is, and as such the proposal as it was moving at that time would have put these individuals at a disadvantage, and I would say unfairly so.

The consensus at that meeting was that we pause and ask the Clerk and his team to provide a little bit more clarity on that aspect. Hopefully, once we've had that clarity, that would help us toward a more informed decision that would achieve our objectives but certainly do so in a manner that is fair to all members. So I'm looking forward to the rest of that update today, Mr. Chairman, and to continuing that discussion towards a resolution of this item.

**The Chair:** Just before we go into the speaking list, I want to clarify that Allison Quast has distributed to those members who are here in person a copy of the revised briefing note that was arrived at last evening. I'll get David McNeil to comment on that in a moment, but I just want to make sure that, first of all, everybody who is at this meeting in person or by telephone has a copy of that. So let me just go around the room here first, and then I'll go to the people on the telephone. Does everyone who is here in the room with me now have a copy of the revised briefing note? If you do, you can date it March 14, please, just so we know what we're referring to, and Dr. McNeil will clarify what the revisions are.

Now let me go to the people on the telephone. I think, Allison Quast, you have sent or tried to send it to people.

Let me start with Danielle Smith. Do you have a copy of this revised briefing note now?

**Ms Smith:** I'm looking through my book here. How would I know that it's revised? Does it say revised on it?

**The Chair:** Did you say revised on it? Go ahead, Allison.

**Ms Quast:** It does not say revised on it, but on page 4 there's a difference in the formatting. "The proposal does not cover the situation faced by," and then there's a (1) and a paragraph and a (2) and a paragraph.

**The Chair:** I'll go to David McNeil right away, Danielle. The important thing is: do you have that copy there?

**Ms Smith:** "The proposal does not cover the situation faced by," and you've got (1) in parentheses? Is that the difference?

**The Chair:** Exactly.

**Ms Smith:** Okay. Yeah, I have that one.

**The Chair:** David McNeil will explain in a moment. Drew Barnes, do you have the same thing?

**Mr. Barnes:** I just received it by e-mail. Yes, I do.

**The Chair:** Yeah. It won't be hard to follow. Cathy Olesen, you are the other person by phone.

**Ms Olesen:** I do not. If you could forward it to me, I have my phone right in my hand here and can have a look.

**The Chair:** Did you forward it to her, Allison?

**Ms Olesen:** Oh, here it is. I can see it here. Okay.

**The Chair:** Anyway, I'll get David to do an overall intro to the issue, respecting that we have several new members and subs for some of the several new members. Just to provide some clarity and context, Dr. McNeil will explain this.

Then, David, as part of your explanation can you zoom in to the revisions part?

**Dr. McNeil:** Yeah.

**The Chair:** Okay. Let's proceed in that fashion, and then I'll come back and develop a speaking list as necessary. Dr. McNeil.

**Dr. McNeil:** Thank you, Mr. Speaker. We prepared the briefing note just to give the members, especially the new members, a bit of an overview of sort of the history of the members' temporary residence allowance and committee allowance. On the first couple of pages we talk about that history in terms of how changes were made in the allowance over time and so on.

It also deals with the issue that was identified by the Auditor General in 2007, when he raised a concern about how this was being administered, and it deals with the fact that the Members' Services Committee, upon receiving that feedback from the Auditor General, reviewed the matter and concluded that the allowance was working as it was intended. The Auditor General's report in 2010, you know, clarified what the committee had done and basically put that issue to bed as far as the Auditor General was concerned.

Just as a matter of information, I then did an analysis of the claims in fiscal 2012-13, which is in appendix 4, which basically shows that most of the members, a large majority, have a capital residence and therefore can claim the temporary residence allowance on a monthly basis when the House is not in session. But there are four members who do not have a capital residence; therefore, they can't claim that temporary residence on a monthly basis. If they're up in Edmonton, they can either stay at a friend's

or else they can stay at a hotel, and then they can claim the residence.

8:55

The concern that I identified and the changes that the Speaker alluded to in terms of this note compared to the last one are that the members who after an election may take a significant period of time to obtain a secondary residence and those members, four in number, who presently choose not to own or lease a residence in Edmonton could only claim up to \$1,930 a month. If they were up here for 15 days or 20 days a month at a hotel – and I just used the Matrix Hotel up here in terms of the cost; it's \$139 plus tax at the government rate – they would face a charge of just over \$3,000, and under the proposed order they could be reimbursed \$1,930. They'd be out of pocket roughly a thousand dollars for that month.

Now, because they don't have a temporary residence in Edmonton, these people when the House is not sitting, if you look at the history of the kind of claims they make, make very few claims. For example, these four since April 2012 to the end of the year in 2012, if they were forced to claim, in effect, \$1,930 a month, would have been paid \$16,984 for that period. As it was, the four members respectively claimed \$1,737, \$1,737, \$7,141, and \$2,895. In terms of the whole year their costs for temporary residence would have been less with hotel claims, or \$193 a day, than they would if they, in effect, had to have a temporary residence and claim the \$1,930 a month times 12 months. That comes to \$23,160 annually. So there's a trade-off there.

The question is: should the order allow for that possibility for those members who don't want to establish a temporary residence, who don't want to rent a house? As I say, there are very few members who do that, but there's still the issue there as to whether or not you want to, in effect, by the order that's on the table, say that you're going to have to do that in order to claim your expenses above 10 days in a month if you do incur that.

**The Chair:** Okay. That's a very good overview, and I think everybody followed the example you gave, David.

The nub of it all is that we want to avoid a situation on behalf of all members regardless of political affiliation. This is for all members that we're making these decisions. We want to avoid the possibility of, for example, the month of March, where we've got 11 sitting days, but as drafted, we would only be covering 10 days if you don't have a temporary residence allowance. That is what is at wrestle here. That's one of the things.

The other thing that has been clarified is: after an election how quickly can you get yourself into a temporary residence? What this looks like to me is an attempt to standardize a process, in turn make it more clear but, at the same time, highly encourage, if not try to force, members to have a temporary residence versus any other type of casual hotel usage as a residence.

Let's open up the speaking order and see where this goes. I think we have a motion on the floor.

**Dr. McNeil:** We have the three orders, I think.

**The Chair:** It's the orders that are on the floor, which are part of your revised draft. They were all sent out to you. That motion was from February 7. If we go back to February 7, just to refresh committee members here, we had a motion, and then we had an amended motion at the February 27 meeting, which goes back to the February 7 meeting. It just says:

Moved by Mr. Allen that the motion moved by Mr. Young at the February 7, 2013, meeting of the Members' Services Committee concerning temporary residence allowances be amended by striking out the words "direct the Legislative

Assembly Office administration to prepare draft orders for the committee to review" and substituting the words "adopt amendments to the Members' Services Committee orders as distributed at the February 27, 2013, meeting."

You should have those copies either from February 27 or, if you're a new member, they would have been sent out to you, or if you're just joining us this morning, they are part of the package that Allison Quast sent to all of you either last night or this morning or distributed just now.

So just to tidy up, you have a briefing note that's revised, which is four pages; then you have an appendix 1, which talks about deductions from allowances and so on, that's part of your package; then you have an appendix 2, which is a consolidation of revised Members' Services Committee orders; then you have an appendix 3, which is Members' Temporary Residence Allowance Claim Form before you; then you have an appendix 4, which is Temporary Residence Claims Experience, Fiscal 2012-13, which gives examples and backs up what David said; and then you have an appendix 5 in draft form, and that goes on for, I think, four pages. So all of that is what is before us this morning.

Are there any speakers to any of this? Mr. Rogers, you wish to kick off? Okay.

**Mr. Rogers:** Thank you, Mr. Chairman. Just following up on Dr. McNeil's clarifications – and I want to thank you for that – you mentioned the concern, Dr. McNeil, about someone being newly elected and obviously needing some time. For some it may be a few weeks, a couple of months, and for others it could be longer. If we were to pass something based on one of the draft orders that's later in the package here, I wonder if there would be the need for any specific provision that gives a new member a timeline, a transition period. The way the order is written, as I read it so far, it talks about the 10-day maximum to \$1,930, and if it's the will of this committee that this would proceed on a basis that standardizes the claim, a new member, in my mind, would still be eligible immediately for something within that maximum even if he or she has not solidified a temporary residence. Could you help me just to get some clarity around that?

**The Chair:** Dr. McNeil.

**Dr. McNeil:** Yeah. They would be eligible for that \$1,930 for 10 days. The concern that I raised is the situation where session starts and a new member may take, you know, two or three months before he or she finds a place that's suitable. In the situation where the House is sitting and they haven't found a residence they can declare as their temporary residence and they have to stay at the Matrix, if they're here for more than 10 days in a month and the House is sitting four days a week, three times a month, right there there're 12 days. If that individual is from far away, instead of claiming four days a week, in terms of our experience, they're more likely to claim five days a week because they come here on Sunday night and they claim Sunday to Thursday. The concern there would be that if they're here for, let's say, 15 days the first month the House is sitting and they haven't found a temporary residence, then they've got five days at the Matrix Hotel that's not covered by that \$1,930. That's the concern.

It's the same concern if, you know, somebody for whatever reason, family reasons, doesn't want to go to the effort of having a temporary residence and furnishing it or whatever, and they say: I'd rather stay at a hotel and deal with it that way for family reasons. The same situation arises if the House sits for three weeks in a month and they claim 15 days. Again, they're out the five days of hotel accommodations. That's the concern that I have.

**Mr. Rogers:** Thank you.

9:05

**The Chair:** Okay. I have Mr. McDonald. Do I have anybody online by teleconference who wants to be on the speaking list?

**Ms Smith:** Sure, I can go on the speaking list just to give you our perspective.

**The Chair:** Danielle?

**Ms Smith:** Yeah. Thank you.

**The Chair:** Okay. We'll put you on.

Mr. McDonald.

**Mr. McDonald:** Thank you, Chair. A question, I guess, to Dr. McNeil since we're doing the review here. What has brought this to light? Have there been complaints? Have members come to you and said: "You know, this isn't working for me. This is an issue. It's a problem where I'm not being compensated fairly. I need more." Or is this just something that you've seen as an overview that maybe needs to be checked? You know, if we don't have a lot of complaints, are we doing this for the right reasons? I just need to ask the question.

**Dr. McNeil:** Well, the issue here is that I think there's a perception that possibly members have been overcompensated because of the differentiation between how it works during session, when you can be paid an allowance every day the Assembly sits while you're in Edmonton, and outside of session, where you, in effect, can only claim 10 days a month. For example, in the month of March now a member could claim 10 days of nonsessional allowance plus 11 days of sessional allowance, 21 days, so that's more than \$3,800. I think that's the issue that's being addressed primarily, the perception that some members may be overcompensated in terms of what their actual costs are. I mean, the whole principle here is to reimburse members for reasonable costs.

**Mr. McDonald:** Fairly, yes.

**Dr. McNeil:** Fairly.

You know, if I'm a public servant and I'm up here for 20 days a month, I'm going to be able to claim my hotels and a meal allowance of \$41.25 a day. So this deals with the meal allowance of \$41.25 a day, but it puts a limit on what I could claim in terms of my hotel accommodation if I'm here for more than 10 days.

**Mr. McDonald:** Thank you.

**The Chair:** I think we all understand that some members arrive on Sunday because they travel a very long way to get here for a session that starts Monday, and because they have a very long way to go home, they stay Thursday night, which is very understandable. To do this job, there's a huge amount of time sacrifice, as we all know, regardless of where we live, but in particular for those who are further away. Secondly, there are a lot of members who are required to be here for other than just session, but session is still on. Then again, they're required to be here when session isn't on. So there are quite a few different scenarios that we're trying to address here. The other matter is attempting to standardize that in terms of meal allowances, too. We're trying to separate the meals and the accommodations so that it's more clear.

There's never been anything that we found that was offside or members were claiming incorrectly perhaps, none of that. In fact,

the committee before us reviewed this very thoroughly, as the briefing would tell you, and found that there was no, shall we call it, abuse of the system, not at all. So let's be really clear. I think Dr. McNeil alluded to that, and I know that the FMAS folks, Scott Ellis, and administrative folks, Cheryl Scarlett, would back that up because I myself asked for a review of all this over the last few months.

Okay. Let's move on. I have Ms Smith, followed by Dr. Sherman.

**Ms Smith:** Thank you, Mr. Chair. I think this is an elegant solution to the problem that we were facing. Just to go to Mr. McDonald's point, I do also know of at least one member of my caucus who indicated to me that he stays in a hotel when he comes and doesn't have any intention at this time of buying a capital residence.

Just to give you some idea of why it is we're having some of the conversation that happened before about why it is we're trying to bridge that gap, while in the current situation some members are being overcompensated, if we just switched to this new approach, without allowing for the accommodations for the four – I gather it's four – who are staying in hotels, they would end up being undercompensated for the actual expenses out of pocket. As we discussed at one of the prior meetings when it was raised, do we really want to force people into a position where they feel obliged to take out a capital residence just so that they're not paying out of pocket, which will end up costing taxpayers more? If this one member in my caucus bought an accommodation in Edmonton, that would be \$22,000 per year, but if he stays, say, 50 days in Edmonton at the prescribed rate in this proposal, it would only be around \$10,000 per year.

So I think the idea was that everybody has different numbers of days they have to stay in Edmonton. For some of us it makes sense to buy a capital residence; for some of us it doesn't. But I think that what's being proposed here makes a good deal of sense. I have no objection to it.

**The Chair:** Yeah. And when you say buy, you mean buy or lease.

**Ms Smith:** Buy or lease.

**The Chair:** Yeah. Exactly. Just to be clear.

**Ms Smith:** Buy or lease or rent. I mean, there are all kinds of options.

**The Chair:** Exactly. Okay. Thank you.

**Dr. Sherman:** Just a question to Dr. McNeil: have you done a survey of the members past or present as to how many days a year they stay? If you annualized it, as Ms Smith said, it may actually be cheaper for people to rent.

Secondly, with respect to the \$1,930 monthly allowance, if the member rents or leases a place for \$1,200 a month or \$1,400 a month, are they reimbursed at \$1,200 or what their cost is, or are they automatically reimbursed at \$1,930? So really, my question on the second part is: if you get a less expensive residence, is there a net benefit to the member?

**The Chair:** Dr. McNeil.

**Dr. McNeil:** Yeah. In terms of your second question members are being provided that capital residence allowance of \$1,930 a month regardless of what their rental cost is. We did a survey of the rental costs around this area for one- and two-bedroom apartments, and it ranged from, sort of, \$1,600 to \$1,700 for unfurnished, one-bedroom to \$2,200 to \$2,500 for, you know,

furnished, two-bedroom apartments. Those numbers don't include condo fees, don't include utilities, don't include TV, don't include parking in a lot of cases. So that \$1,930 a month in terms of accommodation cost is, I think, in this domain very realistic, if not a little bit under the norm for a member who wants to be close by to this place to make living as palatable as possible under the circumstances.

Your first question was: have we done a survey? The information I mentioned earlier, you know, the people who don't have a capital residence, while they claim – I mean, the number of sessional days that the Speaker identified that you could claim in that period I talked about, from April 23 to December 31, was 29. Well, among the four one member claimed 29, one claimed six, another claimed 25, and another claimed 26.

In terms of the nonsessional days the number of days that were identified was 88, so eight months and eight days where you could claim \$193 a day for that period. In that period of time, of the four, one member claimed nine nonsessional days, another claimed nine nonsessional days, another claimed 37, and another claimed 15. In terms of those nonsessional times they're not claiming a lot of days.

As Ms Smith alluded to in terms of one member, he or she has hotel expenses for those nine days or 37 days or 15 days, but they're not claiming \$193 for 88 days over that period. On one side, you know, they may have to claim 15 days in March when the House is sitting, but if the House isn't sitting in July, they may claim a day or two, only when they're up here. So that's the trade-off.

**Dr. Sherman:** So if a member were to have a residence and the actual cost all-in was \$1,400, you know, if you have a modest one-bedroom apartment, is it a receipt that the member has to give or here's your automatic \$1,930?

**The Chair:** I'll get Mr. Ellis to comment on it more deeply, but what LAO typically requires is proof of lease or rent or ownership.

Mr. Ellis, to expand.

**9:15**

**Mr. Ellis:** That's correct. We require that we get a copy of the lease or the certificate of title for the property indicating that there has been a temporary residence acquired, and we use that to support our payments of the \$193 allowance on a per-day basis to the member. It's meant to be a reimbursement of their actual costs, but we don't actually deal with the actual costs for that particular member. We just verify that he has a temporary residence.

**The Chair:** So it tends to balance out, Raj. If you're beyond the 60 K, sometimes you're going to be up here 20 days out of the month, you know, and other times you might only be up here two or 10. But over the year – Scott, do you want to just comment? – the stuff we looked at seems to average out.

**Mr. Ellis:** Yeah. Members sometimes only claim what they actually feel they're up in Edmonton on business for. They don't automatically claim the 10 days. They will do so based on whether they're here or not. Consequently, over time you're going to find that there are a higher number of days claimed in a sessional month whereas in the other months there may be very few days claimed. Overall, it's going to be less than what you would expect at the same sessional rate throughout the whole year, if that makes sense.

**The Chair:** One final follow-up from Dr. Sherman, and then we'll move on to others.

**Dr. Sherman:** My issue is mainly that if I, say, lived here and my cost of living was \$1,300 all in, would the \$1,930 be a net benefit of \$600 a month? Yes or no? If my actual cost was \$1,300 a month to have an apartment, utilities all in, but I was given \$1,930 automatically, would the net benefit to the member be \$630 a month?

**The Chair:** Well, that's what I'm trying to get at, Raj. I'll get Scott to elaborate. In some months it would look that way, but in other months it would be the reverse, and that's why you have to look at this for the whole year.

**Dr. Sherman:** No, no. If you were to lease an apartment. I'm talking about leasing an apartment.

**Mr. Ellis:** First of all, there's nothing that's automatic to you. You have to claim, okay? You either claim on a per-day basis, or you claim on the capital residence option, which would be a monthly amount. When you claim, you claim for the actual days that you're here – okay? – and if you were to go into a capital residence mode, you don't necessarily have to claim the full amount. The capital residence mode assumes that you're saying that your costs of having that capital residence are in excess of that \$1,930 because the \$1,930 is a reimbursement of your actual costs.

**The Chair:** Just before you go on, I think Dr. McNeil has a clarification for us as well.

**Dr. McNeil:** Just to reinforce Scott's statement there, with the average claim for cap res in nonsessional days, the Speaker identified a total of 88 days that were claimable. The average claim was 67 days over all 61 members who could claim it. You know, members are not even claiming the total of the \$1,930 a month for 12 months. They're not doing that.

**Dr. Sherman:** Okay. Thank you.

**The Chair:** Okay. I have Mr. Fraser.

**Mr. Fraser:** Thank you, Mr. Chair. I guess that when we're looking at this, it's what we're trying to achieve here. I think that under the current rules we see a certain amount of money, and we're trying to cap it and bring things down to some degree. I think it's pretty simple. You're either going to claim the temporary residence, the capital residence, or you're going to claim the nonsessional days. At the end of the day it comes to \$1,930.

To reference some of the things that Dr. Sherman has mentioned, again, it's not about trying to accomplish, I guess, the lowest bottom number because everybody would have different needs in each caucus. Like Ms Smith had referenced, one of her members chooses to live in a hotel, and that fits that particular person's lifestyle. Now, everybody would be different, and we have a very diverse caucus, probably one of the most diverse Legislatures in all of Canada, I would say, so everybody has different needs. But I think that relatively, you know, what we're trying to do here is bring down the cost based on how you could claim before and get it to what I think is a fair number. I think \$1,930 is a reasonable number, and whatever you do with that is up to you.

I know from my personal experience shortly after being elected, in looking at what was furnished, what was not furnished, where could you find an apartment that was nonsmoking, something that fit your lifestyle, something for my children and for my wife that they would find amiable when they were up here, it was extremely

difficult in terms of, you know, again, furnished versus not furnished and all those other logistics. Is it close to the Legislature? Certainly, the closer you get, for anything decent that was kind of strictly nonsmoking, the cost is up there. I think that also there's the cost of living while we're here.

Really, I think that when we look at these things, whether it's per diem and everything else, the focus is on allowing people to do their jobs in a cost-effective manner. I don't think we're looking at the extreme end of an extreme cost or at the extreme end of a low cost. It's something that's reasonable for this area. I'm of the opinion that \$1,930 is correct. Again, from my experience shortly after the election, we don't want to shortchange anybody, so if they choose to live in a hotel and that fits their lifestyle for whatever their reasons may be, it's nobody's business what they choose. I think that if \$1,930 is the cap and/or if it costs more, then we need to figure that out. I'm of the mind that \$1,930 is a good cap.

I'm also of the mind, too, that if we had to, you know, based on where we're at today, perhaps an implementation date of September 1 would be fair for some of these people if they wanted to try to find a capital residence. So I think we're trying to get to a number right across the board of \$1,930.

**The Chair:** Okay. Just before I go to Mr. Rogers, who shows next on my list, your interpretation is correct. It says right in the draft, appendix 5, on page 2 at the top, "Shall not exceed \$1,930 per calendar month," no matter which way this goes – "shall not exceed" – so your analysis is quite correct.

Mr. Rogers.

**Mr. Rogers:** Thank you, Mr. Chairman. You know, I certainly thank Dr. McNeil and all the others that have spoken to this. I think a lot of the discussion that we just had reinforces how difficult it is to try to pen this particular animal into a box. The intent here is certainly not to be cheap – I think it's important to say that – and it should not be punitive against the member. I mean, this, after all, is the Members' Services Committee. We're here trying to come up with measures that are fair to the member and represent a reasonable cost to the taxpayer. I think that's really what we should always keep in mind in what we try to do here.

I don't think the thought that we could do something that would cover every possible scenario is achievable. We've heard a lot of numbers, where \$1,930 could be a bit on the low side. It could be high if a person was able to find some extremely modest accommodations. But I think it still leaves us at a reasonable place. I know Mr. Fraser mentioned maybe stretching out the implementation date so that the members that currently don't fit this box, for lack of a better term, would have an opportunity to make some adjustments, maybe find something that would work within the confines of this proposal. Fairness: as long as we can be confident that we've achieved something fair at the end, I think we will have served the members and ultimately do something that's fair to the taxpayers.

The other thing I might suggest, Mr. Chairman, is just to, I guess, raise a bit of a thought to the Clerk and his staff, FMAS, that advise us on an ongoing basis. It may be necessary, whether we need to move it today or just keep in mind as this committee continues to meet and discuss matters on an ongoing basis, that we revisit this. If it is deemed that these costs are unreasonable, that this provision is unreasonable and is not meeting the needs of the members – ultimately, we have to be fair to the members. I mean, people come here from long distances to do a job, to serve the

people of this province, and they should be compensated in a reasonable manner.

We may need to revisit this at some point in the future, but I think that if we move ahead with this, with an implementation date, as Mr. Fraser suggested, of September 1, we will achieve most of our goals and have the opportunity to revisit this at some point in the future.

9:25

**The Chair:** Okay. I've got Dr. Sherman on my list here.

Let me go to the phones. Let me start with Mr. Barnes. Do you have anything to add at this point?

**Mr. Barnes:** Yes, I do, please, Mr. Chair.

**The Chair:** Okay. Cathy, did you have something you wanted to add after Mr. Barnes?

**Ms Olesen:** No, I don't need to add anything. It's been covered.

**The Chair:** Okay. Danielle, do you have anything after Mr. Barnes?

**Ms Smith:** No.

**The Chair:** Not yet? Okay

Mr. Barnes, the floor is yours.

**Mr. Barnes:** Okay. Thank you. I like the idea Mr. Fraser presented about the cap. I am one of the guys that is staying in a hotel, and it suits me quite fine. In a month like this month, where we're going to be up there a bit more, if the total amount when somebody has a temporary residence is \$1,930 a month, is it convenient for the Legislative Assembly's accounting process if we say that a member that chooses to do that can have a maximum of \$1,930 a month? I think that probably a monthly cap is sufficient. I mean, I guess the other way we could look at it is 12 times \$1,930 as a cap on a person who chooses to hotel it or do something different, and then they can apply for what is fair based on what it cost them.

When I read appendix 5, 6(1)(a) still has: "not to exceed 10 days in a calendar month." You get a month like this one, you know, and because of weather and stuff I was here five days last week. Medicine Hat is six hours away from Edmonton. I'm very much in favour of the idea of the \$1,930 a month. I've been staying at the Matrix and the Coast, and it seems to fit easily – easily – in that \$1,930. But I just think that some months we're going to need the flexibility to stay more, and I'd like to see that cap, whether it's 10 days or 30 days.

**The Chair:** Drew, thank you very much. We have not known up until this very minute who the four are. Well, I have known, but I've kept it in confidence. Dr. McNeil has known and, of course, the LAO staff. But you have just said that you are one of the four, so we're grateful for your input, truly, because it gives us a very hands-on, experienced feel for what the issue is. Thank you for that.

Let me move on now to Dr. Sherman, followed by Mr. Quest.

**Dr. Sherman:** Thank you, Mr. Speaker. Have you had an independent analysis, say from the Auditor General's office, on what is the best way to do this in, one, meeting the needs of the member – we do have to do our job; I agree with the members here – and also on what's most cost-efficient? Has that been done, an independent recommendation?

**The Chair:** I don't know if we have had an independent recommendation, but I can tell you that there's a heck of a lot skill and expertise around our own LAO table in this regard. You know, I can look to my left and I can look straight in whatever direction that is, and there's a combined 100 years of service to the Assembly right over here.

However, more specific to the point, let me get Dr. McNeil to just comment on his in-depth review of all this because he has spent an enormous amount of time looking at this and reviewing it and preparing what is now called the revised briefing for us.

**Dr. McNeil:** No, we haven't had an independent review of this process. We look at what happens in other jurisdictions across the country. We looked at and had lots of discussions in 2007, when the Auditor General raised the concern about this issue. His report in 2010 basically put that issue that he'd identified to bed. You know, he said that the Members' Services Committee looked at the issue at the time, considered the changes at that time to the order that affected the temporary residence allowance, and concluded that the committee had done its job at the time.

In terms of what happens in some jurisdictions, which we might be able to handle in this case, for those people who, like Mr. Barnes, have identified themselves as staying in a hotel, you could say that there's a total available to them of 12 times \$1,930. What he has to do is then submit his hotel expense claims on a regular basis, a monthly basis, and as long as he doesn't go over that \$23,160 cap, he's not going to spend any more money than somebody who has a capital residence and who's claiming 10 days a month at \$1,930, the same amount.

My guess is that Mr. Barnes' costs would be significantly less than that \$23,160 because, as I mentioned, when you look at the sessional days claims versus the nonsessional days claims of those members who stay in hotels, they're significantly less annually than those members who, you know, have a capital residence and are incurring those costs to rent an apartment and pay for utilities and pay for TV and pay for parking and so on on an ongoing basis, which gives them the ability to live in that way given their family circumstances and how far they are from the Legislature and so on and so forth. That's one way that that is balanced in other jurisdictions, where they say, "For those people who want to claim a hotel, here's the limit for the year," as opposed to saying, "You can't stay at a hotel for more than 10 days a month."

**The Chair:** Okay. Mr. Quest, and then I'll go around the table one last time, and maybe we can bring this issue to a vote. Then we can talk about the effective date, which Mr. Fraser mentioned, and I think Mr. Rogers said something about stretching out the implementation date or words to that effect. In the end, of course, fairness is the key thing here to members and to taxpayers.

On that note, let me go to Mr. Quest.

**Mr. Quest:** Well, thank you, Mr. Chair. I'm just looking at this \$1,930, so just a question on it. The next time that that number will change, it has to come back to this committee, correct? Okay.

Then just following up on what Dr. McNeil was saying, my wife and I have a few revenue properties in the city, so I think I can speak to this with some experience. The vacancy rate in Edmonton is under 2 per cent right now, at least that's the last number I saw. Rents were relatively flat from about 2009 till 2012, but they've increased significantly in this last year, somewhere in the order of about 10 to 15 per cent, along with utility costs and so on.

Just going back to what Dr. Sherman was saying, you know, that if your cost is under \$1,930, I think that's pretty unlikely in

most scenarios right now. As a matter of fact, the only concern I'd like to raise right now is how long \$1,930 will actually cover those real costs based on what's going on in the market. There's really nothing on the horizon in anybody's economic forecast for this province that would indicate that much is going to change. I think rents will continue to rise and outpace inflation in Alberta. Again, just to get on the record with that concern, I think that \$1,930 may soon not adequately cover the costs, especially in the downtown core. You're right; there is a significant premium on rentals in the downtown core.

**The Chair:** I think those are very valid points, Dave Quest, and thank you for raising them. Other members have called me about that very point, so we will be looking at that as part of a larger picture of the cost of operating constituency offices and everything else. As you well know as an ongoing member of this committee, we had quite a go-round last spring, summer, and fall on rising costs in general, and it applies very much to what you've just enunciated. Thank you.

I'd just note that Dr. Sherman had another appointment that he could not change, and he had to leave. He has just come up and excused himself at 9:33 a.m., and the record will reflect that.

Are there any other speakers before we call the question on the amendment moved by Mr. Allen on behalf of Mr. Young's previous motion?

**Hon. Members:** Question.

**The Chair:** If not, the question has been called. Let me just make it clear that what we're voting on here first and foremost is the amendment.

**Mr. Fraser:** Sorry, Mr. Chair. My apologies. I'd just like to make this motion that the amendment to Mr. Young's motion moved at the February 27, 2013, meeting of the Members' Services Committee be further amended by adding "except that the coming-into-force date of the orders be changed from April 1, 2013, to September 1, 2013."

9:35

**The Chair:** It sounds like a reasonably friendly subamendment, if I can call it that for the moment. All you're saying is that in addition to the motion as amended by Mr. Allen you want to – do you have something to circulate in that regard? It's not a big deal. It's just that you want to put in an effective date, changing it from April 1 of this year to September 1.

**Mr. Fraser:** Yes. The intent of that, Mr. Chair, is that it would allow anybody that didn't have a capital residence a little bit more time to search that out once session is out.

**The Chair:** To adjust, in other words.

**Mr. Fraser:** Yeah.

**The Chair:** I don't see any problem with that. It sounds reasonably friendly to me, but let me just canvass the members. Just to be clear, what I think I hear you saying is that at the end of that motion as amended by Mr. Allen, you would add that the date of the orders be changed from April 1, 2013, to September 1, 2013. That is the only change. I as chair receive that as a friendly amendment or a friendly addition to the original motion of amendment.

Let me go around the table here. On the telephone, Cathy Olesen, are you okay with that?

**Ms Olesen:** Yes, I am.

**The Chair:** Drew Barnes?

**Mr. Barnes:** Yes. I'm okay, but, Mr. Chair, I have a question. Mr. Allen's original motion: I can't seem to find it. Can you tell me what that was again?

**The Chair:** I'll read it out to you in a moment.

**Mr. Barnes:** Okay. Thank you.

**The Chair:** Okay. What I'm asking you about is the effective date, changing it from April 1, which is what the orders would otherwise read, to September 1.

**Mr. Barnes:** I'm okay with that.

**The Chair:** Okay.

**Ms Smith:** May I speak, Mr. Speaker?

**The Chair:** I'm sorry. Danielle, go ahead.

**Ms Smith:** Yeah. I'm just curious, then, because I guess we have to subsequently deal with the expense allowance for per diem meals. I just want to make sure that those are going to be in sync, then. So if we agree to a September 1 start date for the new approach to temporary allowances, that would imply that we would agree to a September 1 start date for the meal per diem. Is that what the intention is?

**The Chair:** I believe so. That's the way that I read it, but I want to get Parliamentary Counsel Rob Reynolds to put it on the record so that we're on the side of the law angels here.

**Mr. Reynolds:** I don't know if I've been referred to as an angel very often.

In any event, yes, all the orders would be changed so that the coming-into-force date of all of them would be September 1, 2013.

**Ms Smith:** Okay. I have no problem with that. Thank you.

**The Chair:** Okay. Drew, you're okay now?

**Mr. Barnes:** Yes.

**The Chair:** Cathy is okay. Danielle is okay. Around the table here, people who are present: is there anyone who is not clear or does not support the change in date from April 1 to September 1? We're all there? Okay.

Now, to come to Mr. Barnes' question. Drew, what we're looking at here – and I realize you probably don't have the whole stack; maybe Heather did or didn't pass it on to you – is very straightforward. I'll just read it to you, as follows. It was

moved by Mr. Allen that the motion moved by Mr. Young at the February 7, 2013, meeting of the Members' Services Committee concerning temporary residence allowances be amended by striking out the words "direct the Legislative Assembly Office administration to prepare draft orders for the committee to review" and substituting the words "adopt amendments to the Members' Services Committee orders as distributed at the February 27, 2013, meeting."

Now, I will read to you the motion as amended, which you're going to be voting on, the purpose of it, how it would read if you agree to it, just for clarity. Okay?

**Mr. Barnes:** Okay. Thank you.

**The Chair:** If you agree to the motion as amended, including the addition of the date, it would read as follows. Moved by Mr. Young that

the Special Standing Committee on Members' Services adopt amendments to the Members' Services Committee orders as distributed at the February 27, 2013, meeting, incorporating the recommendations outlined in the Proposal To Amend Members' Services Committee Orders circulated at the February 7, 2013, meeting, except that the coming-into-force date of the orders be changed from April 1, 2013, to September 1, 2013.

That is what we're voting on now. The question has been called. Those in favour of this motion as amended, as I read a little bit earlier, please indicate yes.

**Mr. Rogers:** Just a question of clarity, Mr. Chairman. I think it's very important, particularly as raised by Mr. Barnes, the \$1,930 per month or 10 days, a concern of the people that are in hotels that somewhere there the intent is that \$1,930 be the maximum cost but that they could be constrained by the 10 days. I think it's important that we not have anything that would penalize any of these members. I'm a little concerned that the 10-day piece, or \$1,930, could cause a problem for someone like Mr. Barnes, who has identified himself.

**Mr. Barnes:** Yes. Mr. Rogers, you are absolutely, one hundred per cent correct. That is my concern. As I think Danielle or someone else said, you don't want to put us in a situation where we just go to the hotel and say, "Okay. We'll give you \$1,930 a month," and we stay one or two days, right? You know, we kind of like the flexibility.

**Mr. Rogers:** I'm looking for a little help from our technical folks, Mr. Chairman, because it's important, the flexibility, that \$1,930 be the maximum but that if the 10 days are exceeded, it does not penalize someone like Mr. Barnes.

**The Chair:** David, do you want to clarify that? I've got another issue going on here.

**Dr. McNeil:** The only way to do that is for those members to say that there's a maximum yearly amount against which they can claim their actual expenses. The maximum yearly amount would be \$23,160. You know, 12 times \$1,930.

**Mr. Rogers:** I think that needs to be clear, Mr. Chairman.

**Dr. McNeil:** As the order reads now, you know, if Mr. Barnes wants to sort of get the maximum out of this, he's going to have to get a temporary residence. He can't stay at a hotel without losing money. That's the bottom line.

**Mr. Rogers:** That's what I think we need to clarify in the order as we move the order forward.

**Mr. Barnes:** I agree.

**Ms Olesen:** I agree. I don't think they should have to be paying out of pocket.

**Ms Smith:** Mr. Chair, can I just seek some clarity? I thought that this proposed solution by the Clerk, that those without a temporary residence can claim accommodation to a daily limit of \$193, was designed to address the issue that the four members find themselves in. I thought that that was the whole point of what

we're trying to do here. What do we need to do to change the language to be able to give that flexibility?

**The Chair:** Well, that was my impression as well. I don't know why we're confused on this, but I'm going to ask our Parliamentary Counsel if he can address this matter here before we go ahead with the vote on the motion as amended, which includes now an effective date. Let's get this back on the rails here, folks.

Mr. Parliamentary Counsel, can you please speak to this?

**Mr. Reynolds:** Well, as I understand it, what you are voting on now, pursuant to Mr. Young's motion at the last meeting, is an order whereby it says:

When the Assembly is sitting, a Member who qualifies for an allowance under section 5(1) may claim an allowance of \$193 per day in respect of each day of sitting during which that Member retained a temporary residence in or near Edmonton.

Subject to Scott's explanation, I think that that means that you have to be here. I mean, it would be \$193 a day for every day you're here.

Now, if you want to change that, then you're going to have to amend Mr. Young's motion again. I'm just trying to understand what it is that the committee may want, I mean, whether the committee is saying that there's an annual amount you get or whether it would be that if you're in a hotel or if you have some other temporary residence, you get \$1,930 a month regardless. It's interesting. If you start looking at just paying someone \$1,930 a month no matter how many days the Assembly sits, then I'd have to go back and look at that with respect to the act in the sense that the act breaks down sitting days and provides an allowance.

9:45

I mean, the motion as it's worded right now in the draft orders, in my view, complies with the Legislative Assembly Act provisions. What you're talking about now I haven't looked at before, so I'm not in a very good position to provide you with an analysis or wording.

**The Chair:** Understood. But as I look at appendix 5, you have two options under item 2, subsection 6(1). You can choose (a) or you can choose (b). If you choose 6(1)(a), you can claim \$193 per day for each day up to, not exceeding, 10 days in a given calendar month on which you as a member are maintaining a temporary residence in or near Edmonton. Or you can claim a straight flat fee, not on a per-day basis, of \$1,930 per month where you own or lease in your own name a temporary residence. In either case, if you go down one more paragraph to item 6(2), any claim that you make for an allowance under this section you have to support with documentation.

I think it's very clear, from my perspective. I don't know if that's what the members want, but it's very clear what's laid out here. I don't see any additional clarity that we could possibly provide, but if there is stuff that Parliamentary Counsel wants to review and bring back, that's fine too. That might be very helpful.

In the meantime we need to have something in place or put into effect, in my view, so that we can move on. It doesn't mean that we can't come back in a month or two or three or six, revisit it, see how it's been applied and been used and see if there are any other outstanding issues that have to be addressed. Of course we can do that.

Now, I have Mr. Young, I have Mr. Fraser, I have Mr. Rogers, and I have Parliamentary Counsel. Mr. Young, did you wish to add or withdraw?

**Mr. Young:** I'll withdraw.

**The Chair:** Withdraw. Okay.

Mr. Fraser, did you wish to add or withdraw?

**Mr. Fraser:** I'll withdraw.

**The Chair:** Or hold, you know. You've got to know when to hold up, when to fold up.

**Mr. Fraser:** I think Mr. Barnes stated clearly – correct me, Drew, if I'm wrong – that you felt that if you were staying in a hotel, regardless of the days, it fit well into the \$1,930 a month. Again, I think that the whole point of this is making sure we're not penalizing anybody that goes over those days. Whichever one you choose, like you mentioned, Mr. Chair, it's \$1,930 a month. Ms Smith identified that we'd be putting the per diem in there for meals. I think that's where we're at. I think that's what we need to vote on and move ahead.

**The Chair:** The per diem, or what we'll call meals, is a separate issue. One of the things that this committee has done I think quite effectively is to separate and segregate the two, and we'll come to that in a moment.

Mr. Rogers, are you speaking or holding?

**Mr. Rogers:** I'm going to speak quickly, Mr. Chairman. If you go to appendix 5, under section 6(3), the total amount claimed for accommodation in or near Edmonton shall not exceed \$1,930 per month. I think that should do it.

Looking at Mr. Ellis and referring to Mr. Barnes on the phone as well, if he is covered under that maximum of \$1,930, then I think we've achieved what we had hoped. Is that clear, Mr. Ellis, if I may, through you, Mr. Chairman?

**The Chair:** Very clear to me.

**Mr. Ellis:** Well, I guess there's still the situation that Mr. Barnes may be in where he may feel that he needs to claim more days in a particular sessional month that might exceed the 10 days, and he would not be eligible to receive reimbursement for that. However, if you were to take away the restriction on the per-month basis and make it an annual restriction of 10 days in a month times 12 months, 120 days, if you were to make that an annual maximum, you would allow him to claim perhaps more days in a sessional month and then less days in a non-sessional month and overall still maintain the maximum amount of that \$1,930 over the twelve months.

**Mr. Rogers:** Or \$23,160, which is what we wanted.

**The Chair:** Understood.

**Ms Smith:** Mr. Chair, do you have me on the speaking list?

**The Chair:** I have you next, Danielle. Then I saw Dorward raise his hand, but he may have been just flagging Danielle.

**Mr. Dorward:** Just letting you know that Ms Smith wanted to speak.

**The Chair:** Okay. Danielle, you have the floor.

**Ms Smith:** Well, it just seems to me that there may be a solution here in amending section 6(1). We've got subsections (a) and (b). Maybe we need to add a subsection (c). Subsection (a) makes it clear for those who maintain a temporary residence. Maybe we need an additional subsection (c) for those who do not maintain a temporary residence, that they will be permitted to claim a daily

rate up to a maximum of \$193 per day and \$23,160 per year so that it's in sync with what we're trying to do with the monthly cap but that it's annualizing it to allow for them to be able to claim – for instance, in the months of March, April, and May they may well be claiming 20 days a month if you include a day on either end. I wonder if, rather than mess too much with the architecture of the legislation, we just need a subsection (c) that clarifies for those who do not maintain a temporary residence along the lines of what we're talking about here.

**The Chair:** I hear where you're coming from. Now, I don't want to get into a procedural legal wrangle here of where we're at, so I would just beg your indulgence. We'll get to where we need to get to. It may not be by 10:30 today.

I need to deal with this amended motion, please. Let me get it off the table, and then we'll move ahead. If you have other comments to make, I'll be willing to receive those as well. Some of it will require phrasing. Some of it will require parliamentary input to make sure that we've got it worded correctly. Some of it may require Parliamentary Counsel to go and look at the various acts that might be implemented. This is complicated, folks, but we need some kind of a decision here today, is what I'm sensing, so that we can at least roll this ball forward. From the chair's perspective I just want to deal with this motion as amended because it's getting a bit awkward and clumsy procedurally to deal with otherwise.

Can I call the vote now on that, and then, Danielle, we'll come back to your point?

**Ms Smith:** Yes.

**The Chair:** Maybe in the meantime you can come up with some phrasing that you might want to run by Parliamentary Counsel.

I've got to move forward here because I see Parliamentary Counsel shaking his head already. That always sends a signal to me that we're dancing on the side of being offside with something procedurally, and that causes me some nervousness. I'm telling you how I interpret this and how I wish to move forward, so let's deal with that.

Those in favour of that motion as amended and as agreed to with a friendly addition of the effective date, please say aye. Those opposed, please say no. Okay. Let the record show that that's unanimous.

Now, let's open up to any other comments and changes. Can I come back to you now, Danielle? Just tell us if you have any rough wording that you can provide to us, which we may not vote on today but at least we would get focused on what your point was so that Parliamentary Counsel can then look at what some appropriate wording might be. They can be backed up by Dr. McNeil and his staff at the LAO, be it FMAS or be it admin, and we can pull this puppy together.

**Ms Smith:** Yeah. I'm sorry. I was just about to start roughing something out. I didn't know you were going to come right to me. Others may want to speak to it as well. It does just seem to me that in that section we could add a new subsection (c) which creates that exception for those members who do not maintain a temporary residence: \$193 per day for each day the member is in or near Edmonton on public or official business subject to a maximum of – and let me just do the calculation on \$1,930 times 12 – \$23,160 on an annual basis, something along those lines. It's not very elegant – my apologies – but I think that's the sense of where we're trying to get to.

**The Chair:** Sure. I hear you. That has now been put onto the record. We will study it, Danielle. Members will study it, LAO will study it, and Parliamentary Counsel will study it. It may be something that we can circulate back to everyone by form of a draft motion for consideration.

Would you all be agreed to that approach?

**Hon. Members:** Agreed.

9:55

**The Chair:** I know from previous experience with this committee that it's very difficult to accept something loosely worded. No intent to discredit anyone, I'm just saying that this is complicated stuff, and we need to make sure that we check it out thoroughly.

Okay. That having been said, we've made some good progress here, and I thank everyone. That motion, by the way, was carried. I don't know if I formally said that. I think I did.

Let us move on, then. Is there any other new business to come forward under item 5?

Seeing or hearing none, let me move on to the date of the next meeting. It will be, with your permission, at the call of the chair, and I will canvass you again as needed.

Let me just close off by saying, then, Danielle, would you or someone you appoint please work with Parliamentary Counsel on the wording of your idea to have a subsection (c) added in? I don't know how it might come out in the end, but at least the intent of where you're going seemed to make good sense with the folks at the table here. If I could leave that undertaking with you, Danielle, and keep me in the loop.

**Ms Smith:** I certainly will. And I will just say that once we identify the language, I'll ask Parliamentary Counsel to circulate it to all of the other parties in advance of the meeting so that we can just make sure that there doesn't need to be any additional revision.

Thank you.

**The Chair:** Very good. All right. Are we clear on what we're doing, then?

Can I get a motion to adjourn? Mr. Dorward. Thank you very much. Mr. Dorward has moved that we adjourn the meeting. Those in favour, please say aye. Any opposed, please say no. All right. The meeting is adjourned.

Thank you all very much, and goodbye for now.

[The committee adjourned at 9:56 a.m.]





