

## **FEED BILL ISSUES FOR LEGISLATIVE COUNCIL REVIEW**

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### **Background:**

The Feed Bill passed during each regular session is restricted to support the activities of the Legislature taking office. Historically, the Feed Bill progressed quickly through the legislative process and was signed by the Governor before mid-January. However, there has been a significant slowdown in the movement of the Feed Bill through the legislative process in recent sessions. In 2003 and 2005 the Feed Bills were final on January 31. The 2007 Feed Bill was signed by the Governor February 1.

### **General Issues:**

- 1. Funding January Expenses.** There is no funding to pay for the costs of the Legislature before the Feed Bill is passed and signed by the Governor. Expenses include legislator mileage, per diem, and salary, as well as House and Senate staff salaries. Traditionally these costs have been paid from the balance of the previous Feed Bill, or from Legislative Services Division (LSD) appropriations, then charged to the new Feed Bill once it was final. However, this practice is no longer a viable option for a combination of reasons: 1) the increasing cost of legislator salary, benefits and per diem; 2) remaining Feed Bill balances from the previous session which are reduced by special sessions or extraordinary expenses; 3) Feed Bills which are taking longer to get through the process; and 4) the question of authority discussed under number 2.

The question of whether January's costs can be covered with the remaining balance of the previous feed bill is greatly affected by delay in passage of the new Feed Bill. For example, an estimate of January's costs for the 2009 session shows that \$182,000 will be paid by January 13, 2009. That figure increases to \$691,000 by January 27, 2009.

- 2. No Authority Exists.** A separate question relates to using the balance of the previous feed bill or using LSD appropriations for the January expenses of the Legislature in session. Language in House Bill 1 from the 2007 session states the amounts appropriated are for "the operation of the 60<sup>th</sup> legislature and the costs of preparing for the 61<sup>st</sup> legislature." Identical language has been in each regular session feed bill and would appear to preclude usage of the funds for costs of the 61<sup>st</sup> legislature, even as a stop-gap method. In a similar manner, Legislative Services Division HB2 appropriations are limited to expenditure for legitimate operating expenses of the LSD.

### **What This Means for the 2009 Session Feed Bill:**

The remaining balance of the 2007 Feed Bill will be exhausted very early in the 2009 session due to the combined effect of the cost of the May special session and the anticipated increase in legislator training costs if all legislators are included in November training sessions. In addition, the need to repair the House sound system before the 2009 session may further reduce any remaining balance of the 2007 Feed Bill. The September special session Feed Bill was explicitly for the costs of that session and no balance is available.

Expedient passage of the 2009 Feed Bill will be required. Without the new Feed Bill, no funds will be available to pay legislator salary, per diem or other costs.

Language and/or additional funding may need to be placed in the 2009 Feed Bill to provide authority to pay for January expenses during the 2011 session. CI0429 8080sfnc.