

Revised Program Legislative (RPL) Process Overview

The Constitution outlines the duties and responsibilities of the three branches of Government. The Governor, as head of the Executive branch, is responsible for submitting a budget, but the power of appropriation is reserved for the Legislative branch. The Legislature cannot delegate this power to the Executive branch nor to any Legislative committee; to do so would violate the separation of powers doctrine and be an unconstitutional delegation of authority. This means that the Executive branch can only spend what was approved by the full Legislature during the budget process.

Since the Legislature is only in session for part of the year, the intent of the RPL Process, codified in the late 1970s, was to provide a constitutional method to accept additional funds for items already approved in the budget from non-state sources that became available after the session concluded.

There are two steps necessary to accept RPLs:

1. The current fiscal year budget must include language appropriating additional, specified receipts that exceed the amounts included in the budget, contingent on following the process in AS 37.07.080(h); and
2. The governor must follow the process outlined in AS 37.07.080 (h) to submit the RPL to the Legislative Budget and Audit committee for review.

If the additional funds are for an existing appropriation item, the RPL language was included in the budget, and the statutory process is followed, the Legislative Budget and Audit committee can offer a recommendation on the RPL, but it is non-binding, and the Governor can accept the funds after a 45 day waiting period.

Due to the general nature of appropriation language in the operating budget, funds for a new program that is fully funded with federal receipts could be accepted via an RPL. However, an RPL cannot require additional matching funds or a change in statute.

Language from FY16 Operating Budget

4	FACILITY AND FEES	ALLOCATION
5	(1) Anchorage Jail	\$ 1,806,000
6	(2) Goose Creek Correctional Center	17,813,150
7	(3) Fees	4,200

(k) The amount necessary for state aid for costs of school construction under AS 14.11.100, estimated to be \$123,423,009, is appropriated to the Department of Education and Early Development for the fiscal year ending June 30, 2016, from the following sources:

14 (l) The amounts appropriated to the Alaska fish and game revenue bond redemption
15 fund (AS 37.15.770) during the fiscal year ending June 30, 2016, estimated to be \$5,300,000,
16 are appropriated to the state bond committee for payment of debt service, accrued interest,
17 and trustee fees on outstanding sport fish hatchery revenue bonds and for early redemption of
18 those bonds.

19 * **Sec. 24. FEDERAL AND OTHER PROGRAM RECEIPTS.** (a) Federal receipts,
20 designated program receipts under AS 37.05.146(b)(3), information services fund program
21 receipts under AS 44.21.045(b), Exxon Valdez oil spill trust receipts under
22 AS 37.05.146(b)(4), receipts of the Alaska Housing Finance Corporation, receipts of the
23 Alaska marine highway system fund under AS 19.65.060(a), receipts of the University of
24 Alaska under AS 37.05.146(b)(2), and receipts of commercial fisheries test fishing operations
25 under AS 37.05.146(c)(21), that are received during the fiscal year ending June 30, 2016, and
26 that exceed the amounts appropriated by this Act, are appropriated conditioned on compliance
27 with the program review provisions of AS 37.07.080(h).

28 (b) Federal designated program receipts under AS 47.07.060 for the proposed
29 expansion of the state's Medicaid program may not be accepted or expended without an
30 acceptable reformation plan and appropriation approved by the legislature.

31 (c) If federal or other program receipts under AS 37.05.146 and AS 44.21.045(b) that

Current Statute

Title 37. PUBLIC FINANCE

Chapter 37.07. EXECUTIVE BUDGET ACT

Sec. 37.07.080. Program execution.

(h) The increase of an appropriation item based on additional federal or other program receipts not specifically appropriated by the full legislature may be expended in accordance with the following procedures:

- (1) the governor shall submit a revised program to the Legislative Budget and Audit Committee for review;
- (2) 45 days shall elapse before commencement of expenditures under the revised program unless the Legislative Budget and Audit Committee earlier recommends that the state take part in the federally or otherwise funded activity;
- (3) should the Legislative Budget and Audit Committee recommend within the 45-day period that the state not initiate the additional activity, the governor shall again review the revised program and if the governor determines to authorize the expenditure, the governor shall provide the Legislative Budget and Audit Committee with a statement of the governor's reasons before commencement of expenditures under the revised program.