

STATE WATER COMMISSION - CARRYOVER FUNDING

State Water Commission carryover funding available for the 2017-19 biennium consists of:

1. Appropriated carryover - \$284.8 million - This funding was appropriated by the 2017 Legislative Assembly for the 2017-19 biennium as part of the water and atmospheric resources line item in House Bill No. 1020.
2. Authorized carryover - \$51.6 million - This funding was appropriated by the 2015 Legislative Assembly for the 2015-17 biennium and was authorized in Section 6 of 2015 Senate Bill No. 2020 to continue into the 2017-19 biennium if not spent.

The Legislative Assembly, in the State Water Commission's appropriation bills in 2015 and 2017, designated the use of new water project funding into specific funding categories (flood control, rural water, etc.). Prior to 2015, the Legislative Assembly did not make these specific types of designations.

When funding is appropriated by the Legislative Assembly for a purpose, that purpose does not change unless changed by a subsequent Legislative Assembly. Therefore, funding carried over from a previous biennium's appropriation must be used by the agency for the purpose for which the funding was originally appropriated, unless changed by a subsequent Legislative Assembly. This would apply to the State Water Commission. Both types of carryover funds available to the commission for the 2017-19 biennium must be used for the same purpose for which the funding was originally appropriated since the 2017 Legislative Assembly did not make any changes to those original purposes. Therefore, any carryover funding that relates to each of the funding designations approved by the 2015 Legislative Assembly must continue to be available for those specific purposes. Any carryover relating to appropriations made prior to 2015 must be used by the commission for the purpose for which the Legislative Assembly intended at the time of the original appropriation. The commission may expend for any appropriate use any funds appropriated prior to 2015 which were not designated for a specific purpose.