

From: Mylar, Sharla Marie (LAW)
Sent: Thursday, March 3, 2022 8:36 AM
To: Jeff Stepp
Cc: Tim Lamkin
Subject: Re: Law | SB 71 on Thursday in State Affairs

Thank you, Jeff, for the invitation to be on line in Thursday's hearing for questions related to Section 5 of SB 71. We are reviewing this language and do not yet have a position to share, but will do so as soon as possible. Unfortunately, our assigned attorney isn't available to attend but we are happy to follow up in writing regarding any specific questions that are raised.

Because the following questions were raised in the committee's hearing on March 1, 2022, I am also including our responses to them here.

- Whether any contribution to the general fund would be subject to appropriation by the legislature.
 - Contributions/donations to the general fund must be appropriated by the legislature before the money can be spent.
- If the legislature makes no annual appropriation to the fund, what would happen to contributions to the Arts Council fund from other private sources?
 - Money placed into the Arts Council fund must be appropriated before it can be spent. If private sources contribute to the fund, but the legislature has not appropriated those contributions to the fund, then those same contributions cannot be spent. However, other money the legislature has appropriated to the fund can be spent.
- Whether the fund would be sweepable.
 - The fund would not be sweepable because it can be spent by the Council without further appropriation. Sec. 6 of SB 71 says "The council may spend money appropriated to the fund to carry out the purposes of this chapter and to pay the costs of administering the fund without further appropriation."

I hope the answers above are responsive to the committee's questions.

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