CASH FUND.

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee March 27, 2024 Date
Chair of Committee Date
Committee on Appropriations.
After consideration on the merits, the Committee recommends the following:
HB24-1390 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:
Amend printed bill, page 10, strike lines 8 through 27 and substitute:
"SECTION 9. In Colorado Revised Statutes, 22-82.9-210, add (8) and (9) as follows: 22-82.9-210. Healthy school meals for all program general
fund exempt account - creation - uses - reporting requirements -
definitions - repeal. (8) On July 1, 2024, the state treasurer shall
TRANSFER THE BALANCE OF THE ACCOUNT TO THE HEALTHY SCHOOL
MEALS FOR ALL PROGRAM CASH FUND CREATED IN SECTION 22-82.9-211
(9) This section is repealed, effective July $1,2025$.
SECTION 10. In Colorado Revised Statutes, add 22-82.9-211 as
follows:
22-82.9-211. Healthy school meals for all program cash fund
- creation - uses - reporting requirements - definitions. (1) AS USED
IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:
(a) "CASH FUND" MEANS THE HEALTHY SCHOOL MEALS FOR ALI
PROGRAM CASH FUND CREATED IN THIS SECTION.
(b) "HEALTHY SCHOOL MEALS FOR ALL PROGRAM REVENUE"
MEANS THE REVENUE GENERATED BY THE ADDITION TO FEDERAL TAXABLE
INCOME IN SECTION 39-22-104 (3)(p.5), WHICH REVENUE IS A
VOTER-APPROVED REVENUE CHANGE.
(2) THE HEALTHY SCHOOL MEALS FOR ALL PROGRAM CASH FUND
IS CREATED IN THE STATE TREASURY. THE CASH FUND CONSISTS OF
HEALTHY SCHOOL MEALS FOR ALL PROGRAM REVENUE DEPOSITED IN THE
CASH FUND IN ACCORDANCE WITH SUBSECTION (4)(a) OF THIS SECTION
THE STATE TREASURED SHALL CREDIT ALL INTEREST AND INCOME DERIVED

FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE CASH FUND TO THE

(3) (a) Subject to annual appropriation by the general assembly, the department may expend money from the cash fund for the following purposes:

- (I) PROVIDING REIMBURSEMENTS TO A PARTICIPATING SCHOOL FOOD AUTHORITY FOR OFFERING ELIGIBLE MEALS WITHOUT CHARGE PURSUANT TO SECTION 22-82.9-204 (1)(b);
- (II) AWARDING LOCAL FOOD PURCHASING GRANTS PURSUANT TO SECTION 22-82.9-205;
- (III) DISTRIBUTING MONEY TO A PARTICIPATING SCHOOL FOOD AUTHORITY TO INCREASE WAGES OR PROVIDE STIPENDS FOR INDIVIDUALS WHOM THE PARTICIPATING SCHOOL FOOD AUTHORITY EMPLOYS TO DIRECTLY PREPARE AND SERVE FOOD FOR SCHOOL MEALS PURSUANT TO SECTION 22-82.9-206 (1);
- (IV) AWARDING LOCAL SCHOOL FOOD PURCHASING TECHNICAL ASSISTANCE AND EDUCATION GRANTS PURSUANT TO SECTION 22-82.9-207; AND
- (V) THE DIRECT AND INDIRECT COSTS OF ADMINISTERING THE PROGRAMS DESCRIBED IN THIS SUBSECTION (3)(a), SO LONG AS THESE COSTS DO NOT EXCEED ONE AND FIVE-TENTHS PERCENT OF THE TOTAL AMOUNT THE GENERAL ASSEMBLY ANNUALLY APPROPRIATES IN THE SAME FISCAL YEAR FOR THE OTHER PURPOSES DESCRIBED IN THIS SUBSECTION (3)(a).
- (b) Money in the Cash fund shall not be used for the purposes described in subsections (3)(a)(II), (3)(a)(III), and (3)(a)(IV) of this section if the sum of the annual tax year revenue recorded in the Cash fund and the balance in the Cash fund, as calculated pursuant to subsection (4) of this section, is less than, or is anticipated to be less than, the annual expenditure anticipated to be required for the purposes described in subsections (3)(a)(I) and (3)(a)(V) of this section.
- (4) (a) THE DEPARTMENT OF REVENUE SHALL, ON A MONTHLY BASIS, RECORD REVENUES AND DEPOSIT MONEY IN THE CASH FUND IN A MANNER THAT IS ALIGNED WITH EXEMPT REVENUES DETERMINED PURSUANT TO SUBSECTION (4)(b) OF THIS SECTION.
- (b) The department of revenue shall, on a monthly basis, report the amount of healthy school meals for all program revenue identified from tax returns to the office of state planning and budgeting and the legislative council staff. The office of state planning and budgeting shall calculate the amount of healthy school meals for all program revenue both projected to be received and actually received by the department of revenue based on income tax return data and other relevant factors. The office of state planning and

- BUDGETING SHALL ALSO IDENTIFY, IN COLLABORATION WITH THE DEPARTMENT OF REVENUE, THE REVENUE TO BE RECORDED AND DEPOSITED ON A MONTHLY BASIS BY THE DEPARTMENT OF REVENUE IN THE CASH FUND PURSUANT TO SUBSECTION (4)(a) OF THIS SECTION, AND THE TOTAL REVENUE TO BE RECORDED AND DEPOSITED BY THE DEPARTMENT OF REVENUE IN THE CASH FUND FOR THE FISCAL YEAR.
- (c) THE AMOUNT OF HEALTHY SCHOOL MEALS FOR ALL PROGRAM REVENUE IDENTIFIED BY THE OFFICE OF STATE PLANNING AND BUDGETING FOR EACH FISCAL YEAR MUST INCLUDE ADJUSTMENTS FOR ESTIMATION ERRORS DISCOVERED FOR ALL PRIOR FISCAL YEARS. THE OFFICE SHALL NOTIFY THE DEPARTMENT OF REVENUE AND THE LEGISLATIVE COUNCIL STAFF OF THE GENERAL ASSEMBLY OF THE ADJUSTMENT AMOUNTS.
- (d) On December 1,2024, and every December 1 thereafter, the office of state planning and budgeting shall report the amount of healthy school meals for all program revenue received by the department of revenue in the previous tax year based on income tax return data and other relevant factors. The general assembly shall consider this report when estimating the amount of money to appropriate for the purposes specified in subsection (3) of this section in the next fiscal year.
- (5) IF THE DEPARTMENT DETERMINES THAT THERE IS AN INSUFFICIENT AMOUNT OF MONEY IN THE CASH FUND TO PROVIDE FOR AN EXPENDITURE AUTHORIZED BY THE ANNUAL APPROPRIATION FROM THE CASH FUND FOR THE PURPOSES DESCRIBED IN SUBSECTION (3)(a)(I) OF THIS SECTION, THE DEPARTMENT MAY MAKE THE EXPENDITURE FROM THE GENERAL FUND.
- (6) IN ITS ANNUAL SUBMISSION OF THE STATE DEPARTMENT'S BUDGET REQUEST TO THE JOINT BUDGET COMMITTEE, THE OFFICE OF STATE PLANNING AND BUDGETING SHALL REPORT:
- (a) THE TOTAL AMOUNT OF EXPENDITURES FROM THE CASH FUND MADE PURSUANT TO SUBSECTION (3) OF THIS SECTION; AND
- (b) THE TOTAL AMOUNT OF EXPENDITURES FROM THE GENERAL FUND MADE PURSUANT TO SUBSECTION (5) OF THIS SECTION.
- 34 (7) ON JULY 1, 2024, THE STATE TREASURER SHALL TRANSFER THE
 35 BALANCE FROM THE HEALTHY SCHOOL MEALS FOR ALL PROGRAM GENERAL
 36 FUND EXEMPT ACCOUNT DEFINED IN SECTION 22-82.9-210 TO THE CASH
 37 FUND PURSUANT TO SECTION 22-82.9-210 (8).".
- 38 Strike page 11.

- 39 Page 12, strike lines 1 through 14.
- 40 Renumber succeeding sections accordingly.

- Page 20, line 12, strike "repeal" and substitute "amend".
- 2 Page 20, strike lines 15 through 18 and substitute "money. (2) (c) (I) Any
- 3 unrestricted balance remaining in the healthy school meals for all
- 4 program general fund exempt account created in section 22-82.9-210 (2)
- 5 at the end of any fiscal year shall not be designated as part of the general
- 6 fund surplus.
- 7 (II) This subsection (2)(c) is repealed, effective July 1,
- 8 2025.".
- 9 Page 20, line 19, strike "repeal" and substitute "amend".
- 10 Page 20, strike lines 26 and 27 and substitute "(e) (I) Expenditures from
- the healthy school meals for all program general fund exempt account
- 12 created in section 22-82.9-210 (2).
- 13 (II) This subsection (2)(e) is repealed, effective July 1,
- 14 2025.".
- 15 Page 21, before line 1 insert:

				APPROPRIATION FROM							
		ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS			
	\$		\$	\$	\$	\$	\$	\$			
1	"SECTION 14. App	ropriation to the d	epartment of edu	cation for the fiscal ye	ear beginning July 1	, 2024. Amend as adde	d by House Bill 24-1430 se	ection 2, Part IV (1)(A),			
2	(3)(D)(1), (3)(D)(2), and the at	ffected totals, and re	epeal Footnote 17	7, as follows:							
3	Section 2. Appropria	ntion.									
4				PA	RT IV						
5				DEPARTMENT	OF EDUCATION	ſ					
6											
7	(1) MANAGEMENT AND A	ADMINISTRATIO	N								
8	(A) Administration and Cen	trally-Appropriate	ed Line Items								
9	State Board of Education	575,805		575,805							
10				(2.5 FTE)							
11	General Department and										
12	Program Administration	6,532,726		3,204,516		188,595	3,139,615 ^b				
13				(23.9FTE)		(2.1 FTE	(19.9 FTE)				
14	Grants Administration	564,452		389,513		174,939) c				
15	Health, Life, and Dental	9,686,767		4,025,403		1,462,109	968,342°	3,230,913(I)			

			_			APPROPRIATION FR	ROM	
		ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
		\$	\$	\$		\$	\$	
1	Short-term Disability	93,966		38,115		12,790 ^d	9,834°	33,227(I)
2	Paid Family Medical Leave							
3	Insurance	265,629		96,798	1,277 ^f	38,371 ^d	29,501°	99,682(I)
4						39,648 ^d		
5	Unfunded Liability							
6	Amortization Equalization							
7	Disbursement	6,264,374		2,498,466	42,478 ^f	852,690 ^d	655,574°	2,215,166(I)
8						895,168 ^d		
9	Salary Survey	2,167,677		778,984	20,500 ^f	311,459 ^d	240,788°	815,946(I)
10						331,959 ^d		
11	Step Pay	2,163,729		908,997		$312,360^{d}$	205,099°	737,273(I)
12	PERA Direct Distribution	1,304,359		963,385	6,335^f	188,732 ^d	145,907°	
13						195,067 ^d		

				_			APPROP	RIATION FR	OM	_
		ITEM & SUBTOTAL	TOTAL	GENERAL FUND		GENERAL FUND EXEMPT		CASH UNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
		\$	\$	\$	\$		\$		\$	\$
1	Temporary Employees									
2	Related to Authorized									
3	Leave	29,961		29,961	l					
4	Workers' Compensation	334,121		160,533	3			43,601 ^d	11,291°	118,696(I)
5	Legal Services	1,324,188		818,348	3			443,603 ^d	62,237 ^e	
6	Administrative Law Judge									
7	Services	209,603						209,603 ^g		
8	Payment to Risk									
9	Management and Property									
10	Funds	821,832		821,832	2					
11	Capitol Complex Leased									
12	Space	1,053,714		300,308	3			191,776 ^d	95,888 ^h	465,742(I)
13	CORE Operations	66,377		33,185	5			25,715 ⁱ	7,477 ^j	
14		33,459,280								
15										

				APPROPRIATION	FROM	
ITEM &	TOTAL	GENERAL	GENERAL	CASH	REAPPROPRIATED	FEDERAL
SUBTOTAL	TOTAL	FUND	FUND	FUNDS	FUNDS	FUNDS
202101112		101.2	EXEMPT	101,52	101.22	101,22
\$	\$	\$	\$	\$	\$	\$

- 1 This amount shall be from general education development program fees.
- b Of this amount, \$2,270,195 shall be from departmental indirect cost recoveries or the Indirect Costs Excess Recovery Fund created in Section 24-75-1401 (2), C.R.S., and \$869,420
- 3 shall be from statewide indirect cost recoveries or the Indirect Costs Excess Recovery Fund created in Section 24-75-1401 (2), C.R.S.
- 4 °Of this amount, \$91,134 shall be from the State Education Fund created in Section 17 (4)(a) of Article IX of the State Constitution, \$48,734 shall be from the Marijuana Tax Cash Fund
- 5 created in Section 39-28.8-501 (1), C.R.S., \$27,096 shall be from the Early Literacy Fund created in Section 22-7-1210 (1), C.R.S. \$4,459 shall be from the Public School Capital
 - Construction Assistance Fund created in Section 22-43.7-104 (1), C.R.S., and \$3,516 shall be from the Start Smart Nutrition Program Fund created in Section 22-82.7-105 (1), C.R.S.
- Pursuant to Section 17 (3) of Article IX of the State Constitution, appropriations from the State Education Fund are not subject to the limitation on fiscal year spending set forth in Section
- 8 20 of Article X of the State Constitution.

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- d Of these amounts, \$1,228,130 shall be from the State Education Fund created in Section 17 (4)(a) of Article IX of the State Constitution, \$1,098,482(I) shall be from the Educator
- Licensure Cash Fund created in Section 22-60.5-112 (1)(a), C.R.S., \$597,456 shall be from the Public School Capital Construction Assistance Fund created in Section 22-43.7-104 (1),
- C.R.S., \$486,345 shall be from the Early Literacy Fund created in Section 22-7-1210 (1), C.R.S., \$186,980 shall be from the Marijuana Tax Cash Fund created in Section 39-28.8-501
- (1), C.R.S., \$70,590 SHALL BE FROM THE HEALTHY SCHOOL MEALS FOR ALL PROGRAM CASH FUND CREATED IN SECTION 22-82.9-211 (2), C.R.S., \$44,739 shall be from general education
- development program fees, and \$215,359 shall be from various sources of cash funds. Pursuant to Section 17 (3) of Article IX of the State Constitution, appropriations from the State
- Education Fund are not subject to the limitation on fiscal year spending set forth in Section 20 of Article X of the State Constitution.

					APPROPRIATION	FROM	
ITEM &		TAL	GENERAL	GENERAL	CASH	REAPPROPRIATED	
SUBTOTA	L		FUND	FUND	FUNDS	FUNDS	FUNDS
				EXEMPT			
\$	\$	\$		\$	\$	\$	\$

- Of these amounts, \$2,042,122 shall be from departmental indirect cost recoveries or the Indirect Costs Excess Recovery Fund created in Section 24-75-1401 (2), C.R.S., \$62,237 is
- 2 estimated to be transferred from the Division of Public School Capital Construction Assistance line item appropriation in the School District Operations section of this department,
- 3 \$37,047 is estimated to be transferred from the Department of Regulatory Agencies from the Reading Services for the Blind Cash Fund and Disabled Telephone Users Fund in the Public
 - Utilities Commission, \$36,506 is estimated to be from Medicaid funds transferred from the Department of Health Care Policy and Financing from the Transfer to the Department of
- 5 Education for Public School Health Services Administration line item in the Executive Director's Office, and \$150,661 shall be from various sources of reappropriated funds.
- 6 f These amounts shall be from the Healthy School Meals for All Program General Fund Exempt Account created in Section 22-82.9-210 (3), C.R.S.
- ^g Of this amount, \$171,874(I) shall be from the Educator Licensure Cash Fund created in Section 22-60.5-112 (1)(a), C.R.S., and \$37,729 shall be from the State Education Fund created
 - in Section 17 (4)(a) of Article IX of the State Constitution. Pursuant to Section 17 (3) of Article IX of the State Constitution, appropriations from the State Education Fund are not subject
 - to the limitation on fiscal year spending set forth in Section 20 of Article X of the State Constitution.

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- ^h This amount shall be transferred from the Division of Public School Capital Construction Assistance line item appropriation in the School District Operations section of this department.
- ¹Of this amount, it is estimated that \$9,616 shall be from the State Education Fund created in Section 17 (4)(a) of Article IX of the State Constitution, \$6,155(I) shall be from the Educator
 - Licensure Cash Fund created in Section 22-60.5-112 (1)(a), C.R.S., \$4,442 shall be from the Public School Capital Construction Assistance Fund created in Section 22-43.7-104 (1),
 - C.R.S., \$3,515 shall be from the Early Literacy Fund created in Section 22-7-1210 (1), C.R.S., \$1,602 shall be from the Marijuana Tax Cash Fund created in Section 39-28.8-501 (1),
 - C.R.S., and \$385 shall be from general education development program fees. Pursuant to Section 17 (3) of Article IX of the State Constitution, appropriations from the State Education
- Fund are not subject to the limitation on fiscal year spending set forth in Section 20 of Article X of the State Constitution.
- ^j This amount shall be from departmental indirect cost recoveries or the Indirect Costs Excess Recovery Fund created in Section 24-75-1401 (2), C.R.S.

				APPROPRIATION FROM							
		ITEM & SUBTOTAL	TOTAL		GENERAL FUND	GENERAL FUND EXEMPT		CASH FUNDS	REAPPROPRIATE FUNDS	ED.	FEDERAL FUNDS
		\$	\$	\$	\$		\$		\$	\$	
1											
2	(3) SCHOOL DISTRICT	OPERATIONS									
3	(D) Nutrition										
4	(1) Healthy School Meals fo	or All Program									
5	Program Administration ¹⁷										
6	ADMINISTRATION	887,732			95,908	791,824	a				
7		791,824						791,824ª			
8		(3.2 FTE)			(1.0 FTE)						
9								(3.2 FTE)			
10	School Meal										
11	Reimbursements	137,483,812			22,146,226	115,337,586	(a				
12								137,483,812ª			
13	Local Food Purchasing										
14	Grant	5,000,000			5,000,000						

						APPROPRIATION	FROM	
		ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
		\$	\$	\$	\$	\$	\$	
1	Local Food Technical							
2	Assistance Grant	5,000,000		5,000,000	•			
3	Wage Distributions	8,400,000		8,400,000	•			
4		156,771,544						
5		138,275,636						
6								
7	^a These amounts OF THESE A	MOUNTS, \$116,129,410	shall be from the	e Healthy School Meal	s for All Program Go	eneral Fund Exempt Ac	count, Cash Fund, created in	Section 22-82.9-211
8	(2), C.R.S., AND \$22,146,22	26 SHALL BE FROM THE S	STATE EDUCATION	ON FUND CREATED IN S	SECTION 17 (4)(A) OF	ARTICLE IX OF THE ST	TATE CONSTITUTION.	
9								
10	(2) Other Nutrition Program	n						
11	Federal Nutrition Programs	156,775,300		104,973				156,670,327(I)
12				(0.9 FTE)				(16.1 FTE)
13	State Match for School							
14	Lunch Program	2,472,644				2,472,64	.4 ^a	

						APPR	ROPRIATION F	ROM	
		ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT		CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	9	\$	5	\$ \$		\$		\$	\$
1	Child Nutrition School								
2	Lunch Protection Program	841,460					841,460 ^b		
3	Start Smart Nutrition								
4	Program	296,484					296,484°		
5	LOCAL SCHOOL FOOD								
6	PURCHASING PROGRAMS	675,729					675,729 ^b		
7							(0.4 FTE)		
8	Summer Electronics								
9	Benefits Transfer for								
10	Children	447,870		223,935					223,935(I)
11				(0.9 FTE)					(0.8 FTE)
12	_	160,833,758							
13		161,509,487							
14									

					APPROPRIATION I	FROM	
	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
^a This amount shall be from t	the State Public Scho	ol Fund created in	Section 22-54-114 (1), C.R.S., from inter	est and income earned	on the investment of mon	ey in the Public School

- Fund that is credited to the State Public School Fund pursuant to Section 22-41-102 (3)(g), C.R.S. 2
- ^b This amount shall be from the State Education Fund created in Section 17 (4)(a) of Article IX of the State Constitution. Pursuant to Section 17 (3) of Article IX of the State Constitution, 3
- appropriations from the State Education Fund are not subject to the limitation on fiscal year spending set forth in Section 20 of Article X of the State Constitution. 4
- ^c This amount shall be from the Start Smart Nutrition Program Fund created in Section 22-82.7-105 (1), C.R.S. 5

TOTALS PART IV

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9	(EDUCATION)	\$7,440,497,346	\$3,338,057,203	\$1,363,480,333*	1,764,077,511 ^b	\$104,652,889°	\$870,229,410 ^d
10		\$7,422,677,167	\$3,297,415,069	\$1,247,280,333ª	\$1,903,099,466 ^b		

^a This amount shall be from the General Fund Exempt Account created in Section 24-77-103.6 (2), C.R.S.

^b Of this amount, \$5,432,434 contains an (I) notation. 14

^c Of this amount, \$43,900,000 contains an (I) notation. 15

					APPROPRIATION I	FROM	
	TOTAL		CENTED VI	CENTED VI	CACH	DE ARROODIA TER	EEDED A I
ITEM &	TOTA	AL.	GENERAL	GENERAL	CASH	REAPPROPRIATED	
SUBTOTAL			FUND	FUND	FUNDS	FUNDS	FUNDS
				EXEMPT			
\$	\$	\$		\$	\$	\$	\$

¹ d This amount contains an (I) notation.

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FOOTNOTES -- The following statements are referenced to the numbered footnotes throughout section 2.

Department of Higher Education, School District Operations, Nutrition, Healthy School Meals for All, Program Administration -- Of the amount appropriated in this line item, up to \$400,000, if not expended prior to the close of the 2024-25 state fiscal year, remains available for expenditure until the close of the 2025-26 state fiscal year.

SECTION 15. Repeal and reenact, with amendments, as enacted by House Bill 24-1430, section 16, as follows:

SECTION 16. Appropriation to the department of education for the fiscal year beginning July 1, 2023. In Session Laws of Colorado 2023, amend section 7 (1) introductory portion, (1)(f), and add (1)(h) of chapter 89, (SB 23-221), as follows:

Section 7. **Appropriation.** (1) For the 2023-24 state fiscal year, \$171,439,107 is appropriated to the department of education. Of this appropriation, \$156,000,000 is from the healthy school meals for all program general fund exempt account and \$15,439,107 is from the general fund. STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION. To implement this act, the department may use this appropriation as follows:

- (f) \$171,000,000 for school meal reimbursements; and
- (h) \$100,000 for consulting support, which amount, if not expended prior to the close of the 2023-24 state fiscal year, remains available for expenditure until the close of the 2024-25 state fiscal year.

SECTION 16. Effective date. This act takes effect upon passage; except that sections 14 and 15 of this act take effect only if House Bill 24-1430 becomes law, in which case sections 14 and 15 take effect upon the effective date of this act or House Bill 24-1430, whichever is later.".

Renumber succeeding section accordingly.

1 2

Page 1, line 102, strike "EDUCATION." and substitute "EDUCATION, AND, IN CONNECTION THEREWITH, MAKING AND REDUCING AN APPROPRIATION.".

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