

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 18-1240.01 Megan Waples x4348

HOUSE BILL 18-1420

HOUSE SPONSORSHIP

Hamner and Rankin,

SENATE SPONSORSHIP

Scott,

House Committees
Local Government

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF SPECIAL DISTRICTS TO PROVIDE**
102 **EARLY CHILDHOOD DEVELOPMENT SERVICES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill authorizes the creation of early childhood development service districts (districts) to provide services for children from birth through 8 years of age. Early childhood development services are defined to include early care and educational, health, mental health, and developmental services, including prevention and intervention. Districts are authorized to seek voter approval to levy property taxes and sales

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
Amended 3rd Reading
April 27, 2018

HOUSE
2nd Reading Unamended
April 26, 2018

taxes in the district to generate revenues to provide early childhood development services.

The district must be organized pursuant to the "Special District Act" as modified by the bill. Under the bill, all eligible electors in the proposed district, rather than only property owners, are able to vote on the organization of the district and related ballot issues. The service plan for a proposed district is not required to be submitted to the planning commission for each county in which the special district is proposed to be located, and instead is submitted directly to the board of county commissioners (board) for such counties. In addition, the bill directs that the board shall not accept or act upon the request of a person owning property in the proposed service area to have his or her property excluded from the special district. The court conducting a hearing for the petition is also directed to not accept or act upon such a petition to exclude property from the district. The districts are governed by the "Special District Act"; except that they are not subject to provisions concerning the inclusion or exclusion of property, procedures for the levy and collection of taxes, the certification and notice of special district taxes for general obligation indebtedness, property tax reduction agreements, and public improvement contracts.

A district is authorized to contract with or work with another district or other provider of early childhood development services to provide services throughout the district.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 32-1-103, **amend** the
3 introductory portion; and **add** (4.5) as follows:

4 **32-1-103. Definitions.** As used in this ~~article~~ ARTICLE 1, unless
5 the context otherwise requires:

6 (4.5) "EARLY CHILDHOOD DEVELOPMENT SERVICE DISTRICT"
7 MEANS A SPECIAL DISTRICT CREATED PURSUANT TO ARTICLE 21 OF THIS
8 TITLE 32 TO PROVIDE, DIRECTLY OR INDIRECTLY, EARLY CHILDHOOD
9 DEVELOPMENT SERVICES TO CHILDREN FROM BIRTH THROUGH EIGHT
10 YEARS OF AGE.

11 **SECTION 2.** In Colorado Revised Statutes, 32-1-202, **amend**
12 (1)(b); and **add** (2)(1) as follows:

1 **32-1-202. Filing of service plan required - report of filing -**

2 **contents - fee.** (1) (b) Notwithstanding the requirements of ~~paragraph (a)~~

3 ~~of this subsection (1)~~ SUBSECTION (1)(a) OF THIS SECTION, the service plan

4 of a proposed health service district, ~~or~~ health assurance district, OR

5 EARLY CHILDHOOD DEVELOPMENT SERVICE DISTRICT shall not be referred

6 to the county planning commission for consideration or

7 recommendations. At the next regular meeting of the board of county

8 commissioners that is held at least ten days after the filing of the service

9 plan with the county clerk and recorder, the board of county

10 commissioners shall set a date within thirty days of such filing for a

11 public hearing on the service plan of the proposed district. The board of

12 county commissioners shall provide written notice of the meeting

13 pursuant to ~~paragraph (a) of this subsection (1)~~ SUBSECTION (1)(a) OF THIS

14 SECTION.

15 (2) The service plan shall contain the following:

16 (1) FOR AN EARLY CHILDHOOD DEVELOPMENT SERVICE DISTRICT,

17 ANY ADDITIONAL INFORMATION REQUIRED BY SECTION 32-21-105 (2)

18 THAT IS NOT OTHERWISE REQUIRED BY SUBSECTIONS (2)(a) TO (2)(i) OF

19 THIS SECTION.

20 **SECTION 3.** In Colorado Revised Statutes, 32-1-203, **amend**

21 (3.5)(b) as follows:

22 **32-1-203. Action on service plan - criteria.**

23 (3.5) (b) Notwithstanding the ~~provisions of paragraph (a) of this~~

24 ~~subsection (3.5)~~ SUBSECTION (3.5)(a) OF THIS SECTION, if the service plan

25 submitted by the petitioners of a proposed special district is for a health

26 service district, ~~or~~ health assurance district, OR EARLY CHILDHOOD

27 DEVELOPMENT SERVICE DISTRICT, the board of county commissioners

1 shall not accept or act upon the request of a person owning property in the
2 proposed special district that his or her property be excluded from the
3 special district.

4 **SECTION 4.** In Colorado Revised Statutes, 32-1-204, **amend** (1)
5 and (2)(b) as follows:

6 **32-1-204. Public hearing on service plan - procedures -**
7 **decision.** (1) The board of county commissioners shall provide written
8 notice of the date, time, and location of the hearing to the petitioners and
9 the governing body of any existing municipality or special district that has
10 levied an ad valorem tax within the next preceding tax year and that has
11 boundaries within a radius of three miles of the proposed special district
12 boundaries, which governmental units shall be interested parties for the
13 purposes of this part 2. The board of county commissioners shall make
14 publication of the date, time, location, and purpose of the hearing, the
15 first of which shall be at least twenty days prior to the hearing date. The
16 board of county commissioners shall include in the notice a general
17 description of the land contained within the boundaries of the proposed
18 special district and information outlining methods and procedures
19 pursuant to section 32-1-203 (3.5) concerning the filing of a petition for
20 exclusion of territory; except that, if the hearing is to review a service
21 plan for a health service district, ~~or~~ health assurance district, OR EARLY
22 CHILDHOOD DEVELOPMENT SERVICE DISTRICT, the notice shall not include
23 information regarding filing a petition for exclusion of territory. The
24 publications shall constitute constructive notice to the residents and
25 property owners within the proposed special district who shall also be
26 interested parties at the hearing.

27 (2) (b) Notwithstanding ~~the provisions of paragraph (a) of this~~

1 ~~subsection (2)~~ SUBSECTION (2)(a) OF THIS SECTION, the service plan of a
2 proposed health service district, ~~or~~ health assurance district, OR EARLY
3 CHILDHOOD DEVELOPMENT SERVICE DISTRICT shall not be delivered to the
4 planning commission for study or recommendations unless specifically
5 requested by the petitioners. If the petitioners do not request that the
6 service plan be delivered to the planning commission, the clerk and
7 recorder shall deliver the service plan to the board of county
8 commissioners and the planning commission shall not be required to
9 study the service plan or to present recommendations to the board of
10 county commissioners pursuant to ~~paragraph (a) of this subsection (2)~~
11 SUBSECTION (2)(a) OF THIS SECTION.

12 **SECTION 5.** In Colorado Revised Statutes, 32-1-301, **add**
13 (2)(a)(XI) as follows:

14 **32-1-301. Petition for organization.** (2) The petition shall set
15 forth:

16 (a) The type of service to be provided by the proposed special
17 district and the name of the proposed special district, consisting of a
18 chosen name preceding one of the following phrases:

19 (XI) EARLY CHILDHOOD DEVELOPMENT SERVICE DISTRICT.

20 **SECTION 6.** In Colorado Revised Statutes, **add** article 21 to title
21 32 as follows:

22 **ARTICLE 21**

23 **Early Childhood Development Service Districts**

24 **32-21-101. Definitions.** AS USED IN THIS ARTICLE 21, UNLESS THE
25 CONTEXT OTHERWISE REQUIRES:

26 (1) "COURT" MEANS THE DISTRICT COURT IN ANY COUNTY IN
27 WHICH THE PETITION FOR ORGANIZATION OF THE DISTRICT WAS

1 ORIGINALLY FILED AND WHICH ENTERED THE ORDER ORGANIZING SAID
2 DISTRICT OR THE DISTRICT COURT TO WHICH THE FILE PERTAINING TO THE
3 DISTRICT HAS BEEN TRANSFERRED PURSUANT TO SECTION 32-1-303 (1)(b).

4 (2) "DISTRICT" MEANS AN EARLY CHILDHOOD DEVELOPMENT
5 SERVICE DISTRICT CREATED PURSUANT TO THIS ARTICLE 21 TO PROVIDE,
6 DIRECTLY OR INDIRECTLY, EARLY CHILDHOOD DEVELOPMENT SERVICES TO
7 CHILDREN FROM BIRTH THROUGH EIGHT YEARS OF AGE.

8 (3) "EARLY CHILDHOOD DEVELOPMENT SERVICES" MEANS
9 SERVICES PROVIDED TO CHILDREN FROM BIRTH THROUGH EIGHT YEARS OF
10 AGE, INCLUDING BUT NOT LIMITED TO EARLY CARE AND EDUCATIONAL,
11 HEALTH, MENTAL HEALTH, AND DEVELOPMENTAL SERVICES, INCLUDING
12 PREVENTION AND INTERVENTION.

13 (4) "ELIGIBLE ELECTOR" MEANS A PERSON WHO, AT THE
14 DESIGNATED TIME OR EVENT, IS REGISTERED TO VOTE PURSUANT TO THE
15 "UNIFORM ELECTION CODE OF 1992", ARTICLES 1 TO 13 OF TITLE 1, AND
16 WHO RESIDES WITHIN THE DISTRICT OR PROPOSED DISTRICT.

17 (5) "INTERESTED PARTY" MEANS A RESIDENT OR ELIGIBLE ELECTOR
18 OF THE DISTRICT OR A MUNICIPALITY LOCATED IN THE DISTRICT.

19 **32-21-102. Applicability of "Special District Act".** EXCEPT AS
20 OTHERWISE PROVIDED IN THIS ARTICLE 21, A DISTRICT CREATED PURSUANT
21 TO THIS ARTICLE 21 SHALL BE GOVERNED BY THE APPLICABLE PROVISIONS
22 OF THE "SPECIAL DISTRICT ACT", ARTICLE 1 OF THIS TITLE 32; EXCEPT
23 THAT PARTS 4, 5, 12, 16, 17, AND 18 OF ARTICLE 1 OF THIS TITLE 32 DO NOT
24 APPLY.

25 **32-21-103. Special districts file - notice of organization or**
26 **dissolution.** (1) IN ADDITION TO COMPLYING WITH SECTION 32-1-104 (2),
27 A DISTRICT CREATED PURSUANT TO THIS ARTICLE 21 SHALL PROVIDE THE

1 REQUIRED NOTICE TO THE DEPARTMENT OF REVENUE.

2 (2) IN ADDITION TO COMPLYING WITH SECTION 32-1-105, THE
3 COUNTY CLERK AND RECORDER SHALL FILE A CERTIFIED COPY OF THE
4 DECREE OR ORDER CONFIRMING THE ORGANIZATION OR DISSOLUTION OF
5 A DISTRICT CREATED PURSUANT TO THIS ARTICLE 21 WITH THE
6 DEPARTMENT OF REVENUE.

7 **32-21-104. Service area of district - governmental immunity.**

8 (1) A DISTRICT MAY INCLUDE ALL OF THE TERRITORY OF ONE OR MORE
9 SPECIAL DISTRICTS, MUNICIPALITIES, COUNTIES, OR OTHER EXISTING
10 TAXING ENTITIES, AS MAY BE PROPOSED. THE DISTRICT SHALL BE A BODY
11 CORPORATE AND POLITIC AND A POLITICAL SUBDIVISION OF THE STATE.

12 (2) EACH OF THE DIRECTORS, OFFICERS, AND EMPLOYEES OF THE
13 DISTRICT IS A PUBLIC EMPLOYEE FOR PURPOSES OF THE "COLORADO
14 GOVERNMENTAL IMMUNITY ACT", ARTICLE 10 OF TITLE 24.

15 **32-21-105. Service plan required - contents - action on plan.**

16 (1) PERSONS PROPOSING THE ORGANIZATION OF A DISTRICT, EXCEPT FOR
17 A DISTRICT THAT IS CONTAINED ENTIRELY WITHIN THE BOUNDARIES OF A
18 MUNICIPALITY AND SUBJECT TO SECTION 32-21-106, SHALL SUBMIT A
19 SERVICE PLAN IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION
20 32-1-202 (1) AND SHALL PAY ANY FEE REQUIRED PURSUANT TO SECTION
21 32-1-202 (3).

22 (2) NOTWITHSTANDING SECTION 32-1-202 (2), THE SERVICE PLAN
23 FOR THE DISTRICT MUST CONTAIN THE FOLLOWING INFORMATION:

24 (a) A DESCRIPTION OF THE PROPOSED EARLY CHILDHOOD
25 DEVELOPMENT SERVICES TO BE PROVIDED AND THE PERSONS WHO WILL BE
26 ELIGIBLE TO RECEIVE THOSE SERVICES;

27 (b) QUALITY ASSURANCE MEASURES;

1 (c) A FINANCIAL PLAN SHOWING HOW THE PROPOSED SERVICES ARE
2 TO BE FINANCED, INCLUDING THE PROPOSED OPERATING REVENUE DERIVED
3 FROM PROPERTY TAXES AND SALES TAXES FOR THE FIRST BUDGET YEAR OF
4 THE DISTRICT, WHICH SHALL NOT BE MATERIALLY EXCEEDED EXCEPT AS
5 AUTHORIZED PURSUANT TO SECTION 32-1-207. ALL PROPOSED
6 INDEBTEDNESS FOR THE DISTRICT MUST BE DISPLAYED TOGETHER WITH A
7 SCHEDULE INDICATING THE YEAR OR YEARS IN WHICH THE DEBT IS
8 SCHEDULED TO BE ISSUED. THE BOARD OF DIRECTORS OF THE DISTRICT
9 SHALL NOTIFY THE BOARD OF COUNTY COMMISSIONERS OR THE
10 GOVERNING BODY OF THE MUNICIPALITY, WHICHEVER IS APPLICABLE, OF
11 ANY ALTERATION OR REVISION OF THE PROPOSED SCHEDULE OF DEBT
12 ISSUANCE SET FORTH IN THE FINANCIAL PLAN.

13 (d) A MAP OF THE PROPOSED DISTRICT BOUNDARIES;

14 (e) IF THE DISTRICT PLANS TO CONSTRUCT FACILITIES, A GENERAL
15 DESCRIPTION OF THE FACILITIES TO BE CONSTRUCTED AND THE STANDARDS
16 OF SUCH CONSTRUCTION, INCLUDING A STATEMENT OF HOW THE FACILITY
17 AND SERVICE STANDARDS OF THE PROPOSED DISTRICT ARE COMPATIBLE
18 WITH FACILITY AND SERVICE STANDARDS OF ANY COUNTY OR
19 MUNICIPALITY WITHIN WHICH ALL OR ANY PORTION OF THE PROPOSED
20 DISTRICT IS TO BE LOCATED;

21 (f) IF APPLICABLE, A GENERAL DESCRIPTION OF THE ESTIMATED
22 COST OF ACQUIRING OR LEASING LAND OR FACILITIES, ACQUIRING
23 ENGINEERING, LEGAL, AND ADMINISTRATIVE SERVICES, INITIAL PROPOSED
24 INDEBTEDNESS AND ESTIMATED PROPOSED MAXIMUM INTEREST RATES
25 AND DISCOUNTS, AND OTHER MAJOR EXPENSES RELATED TO THE
26 ORGANIZATION AND INITIAL OPERATION OF THE DISTRICT;

27 (g) A DESCRIPTION OF ANY ARRANGEMENT OR PROPOSED

1 AGREEMENT WITH ANY POLITICAL SUBDIVISION FOR THE PERFORMANCE OF
2 ANY SERVICES BETWEEN THE PROPOSED DISTRICT AND SUCH OTHER
3 POLITICAL SUBDIVISION, AND, IF THE FORM CONTRACT TO BE USED IS
4 AVAILABLE, IT SHALL BE ATTACHED TO THE SERVICE PLAN;

5 (h) INFORMATION, ALONG WITH OTHER EVIDENCE PRESENTED AT
6 THE HEARING, SATISFACTORY TO ESTABLISH THAT EACH OF THE CRITERIA
7 SET FORTH IN SECTION 32-1-203, IF APPLICABLE, IS MET; AND

8 (i) SUCH ADDITIONAL INFORMATION AS THE BOARD OF COUNTY
9 COMMISSIONERS OR THE GOVERNING BODY OF THE MUNICIPALITY,
10 WHICHEVER IS APPLICABLE, MAY REQUIRE ON WHICH TO BASE ITS FINDINGS
11 PURSUANT TO SECTION 32-1-203.

12 (3) EXCEPT AS PROVIDED IN SECTION 32-21-106, THE BOARD OF
13 COUNTY COMMISSIONERS OF EACH COUNTY THAT HAS TERRITORY
14 INCLUDED WITHIN THE PROPOSED DISTRICT SHALL CONSTITUTE THE
15 APPROVING AUTHORITY FOR THE PROPOSED DISTRICT AND SHALL REVIEW
16 ANY SERVICE PLAN FILED BY THE PETITIONERS OF A PROPOSED DISTRICT IN
17 ACCORDANCE WITH SECTION 32-1-203; EXCEPT THAT SECTION 32-1-203
18 (3.5)(a) DOES NOT APPLY TO A DISTRICT PROPOSED PURSUANT TO THIS
19 ARTICLE 21.

20 **32-21-106. Approval by municipality.** IF THE BOUNDARIES OF A
21 DISTRICT PROPOSED PURSUANT TO THIS ARTICLE 21 ARE WHOLLY
22 CONTAINED WITHIN THE BOUNDARIES OF A MUNICIPALITY, THE PERSONS
23 PROPOSING THE ORGANIZATION OF THE DISTRICT SHALL COMPLY WITH
24 SECTION 32-1-204.5; EXCEPT THAT THE SERVICE PLAN SUBMITTED TO
25 EACH GOVERNING BODY OF EACH MUNICIPALITY SHALL CONTAIN THE
26 INFORMATION REQUIRED BY SECTION 32-21-105 (2). THE GOVERNING
27 BODY SHALL HAVE THE AUTHORITY SET FORTH IN SECTION 32-1-204.5

1 WITH REGARD TO THE REVIEW OF THE SERVICE PLAN.

2 **32-21-107. Public hearing on service plan - procedures -**
3 **decision - judicial review - modifications - enforcement.** (1) FOR
4 PURPOSES OF SECTION 32-1-204 (1) AND (1.5), THE BOARD OF COUNTY
5 COMMISSIONERS OF THE COUNTY IN WHICH THE DISTRICT WILL BE
6 LOCATED OR THE GOVERNING BODY OF THE MUNICIPALITY IN WHICH THE
7 DISTRICT WILL BE LOCATED, WHICHEVER IS APPLICABLE, SHALL BE DEEMED
8 TO HAVE COMPLIED WITH THE PROVISIONS OF SUCH SECTION IF THE BOARD
9 OR GOVERNING BODY PROVIDES WRITTEN NOTICE OF THE DATE, TIME, AND
10 LOCATION OF THE HEARING TO THE PETITIONERS AND, AT LEAST TWENTY
11 DAYS PRIOR TO THE HEARING DATE, PUBLISHES NOTICE OF THE DATE, TIME,
12 LOCATION, AND PURPOSE OF THE HEARING. THE PUBLISHED NOTICE SHALL
13 CONSTITUTE CONSTRUCTIVE NOTICE TO THE INTERESTED PARTIES IN THE
14 PROPOSED DISTRICT.

15 (2) SECTION 32-1-204 (2)(a) DOES NOT APPLY TO A DISTRICT
16 PROPOSED PURSUANT TO THIS ARTICLE 21.

17 (3) THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY IN
18 WHICH THE DISTRICT WILL BE LOCATED OR THE GOVERNING BODY OF THE
19 MUNICIPALITY IN WHICH THE DISTRICT WILL BE LOCATED, WHICHEVER IS
20 APPLICABLE, SHALL CONDUCT THE HEARING PURSUANT TO SECTION
21 32-1-204 (1.5) AND MAKE ITS DECISION IN ACCORDANCE WITH THE
22 REQUIREMENTS OF SECTION 32-1-204 (3) AND (4). THE DECISION OF THE
23 BOARD OR GOVERNING BODY, WHICHEVER IS APPLICABLE, IS SUBJECT TO
24 JUDICIAL REVIEW IN ACCORDANCE WITH SECTION 32-1-206; EXCEPT THAT,
25 FOR PURPOSES OF JUDICIAL REVIEW, "INTERESTED PARTY" HAS THE SAME
26 MEANING AS SET FORTH IN SECTION 32-21-101 (5).

27 (4) UPON FINAL APPROVAL BY THE COURT FOR THE ORGANIZATION

1 OF A DISTRICT PURSUANT TO THIS ARTICLE 21, THE DISTRICT SHALL
2 CONFORM AS MUCH AS POSSIBLE TO THE APPROVED SERVICE PLAN, AND
3 ANY MATERIAL MODIFICATIONS TO THE PLAN MUST BE APPROVED IN
4 ACCORDANCE WITH SECTION 32-1-207 (2). ANY MATERIAL DEPARTURE
5 FROM THE PLAN MAY BE ENJOINED IN ACCORDANCE WITH SECTION
6 32-1-207 (3); EXCEPT THAT, FOR PURPOSES OF ENFORCEMENT OF THE
7 PLAN, "INTERESTED PARTY" HAS THE SAME MEANING AS SET FORTH IN
8 SECTION 32-21-101 (5).

9 **32-21-108. Organization.** (1) EXCEPT AS PROVIDED IN THIS
10 SECTION, THE ORGANIZATION OF A DISTRICT PURSUANT TO THIS ARTICLE
11 21 IS GOVERNED BY THE PROVISIONS OF PART 3 OF ARTICLE 1 OF THIS TITLE
12 32.

13 (2) FOR PURPOSES OF COMPLYING WITH SECTION 32-1-301 (1), A
14 PETITION FOR THE ORGANIZATION OF A DISTRICT PROPOSED PURSUANT TO
15 THIS ARTICLE 21 MUST BE SIGNED BY NOT LESS THAN THIRTY PERCENT OR
16 TWO HUNDRED ELIGIBLE ELECTORS OF THE PROPOSED DISTRICT,
17 WHICHEVER NUMBER IS SMALLER.

18 (3) FOR PURPOSES OF COMPLYING WITH SECTION 32-1-301 (2)(d.1),
19 THE PETITION FOR ORGANIZATION MUST SET FORTH THE ESTIMATED
20 PROPERTY TAX AND SALES TAX REVENUES FOR THE DISTRICT'S FIRST
21 BUDGET YEAR.

22 (4) FOR PURPOSES OF COMPLYING WITH SECTION 32-1-304, WHEN
23 THE COURT WITH WHOM A PETITION FOR ORGANIZATION OF A DISTRICT
24 PROPOSED PURSUANT TO THIS ARTICLE 21 HAS BEEN FILED SETS A HEARING
25 DATE, THE CLERK OF COURT SHALL PUBLISH NOTICE OF THE HEARING AND
26 MAIL THE REQUIRED NOTICE TO THE APPROPRIATE BOARD OF COUNTY
27 COMMISSIONERS OR GOVERNING BODY OF THE MUNICIPALITY, BUT THE

1 CLERK OF COURT SHALL NOT BE REQUIRED TO MAIL NOTICE OF THE
2 HEARING TO ALL INTERESTED PARTIES. THE NOTICE MUST NOT INCLUDE
3 INFORMATION EXPLAINING THE METHODS AND PROCEDURES FOR THE
4 FILING OF A PETITION FOR EXCLUSION OF TERRITORY PURSUANT TO
5 SECTION 32-1-305 (3).

6 (5) FOR PURPOSES OF COMPLYING WITH SECTION 32-1-305(1), THE
7 COURT SHALL DETERMINE WHETHER THE REQUIRED NUMBER OF ELIGIBLE
8 ELECTORS OF THE PROPOSED DISTRICT HAVE SIGNED THE PETITION.

9 (6) SECTION 32-1-305 (3) DOES NOT APPLY TO A DISTRICT
10 PROPOSED UNDER THIS ARTICLE 21. THE COURT SHALL NOT ACCEPT OR ACT
11 UPON PETITIONS FILED BY AN OWNER OF ANY REAL PROPERTY WITHIN A
12 DISTRICT PROPOSED UNDER THIS ARTICLE 21 STATING REASONS WHY THE
13 PROPERTY SHOULD NOT BE INCLUDED THEREIN AND REQUESTING THAT THE
14 PROPERTY BE EXCLUDED THEREFROM.

15 (7) IN ADDITION TO COMPLYING WITH THE FILING REQUIREMENTS
16 IN SECTION 32-1-306, THE DISTRICT SHALL FILE A CERTIFIED COPY OF THE
17 FINDINGS AND ORDER OF THE COURT ORGANIZING THE DISTRICT WITH THE
18 DEPARTMENT OF REVENUE.

19 **32-21-109. Persons entitled to vote at district elections.**
20 NOTWITHSTANDING SECTION 32-1-806, ANY PERSON WHO IS AN ELIGIBLE
21 ELECTOR AS DEFINED IN SECTION 32-21-101 (4) SHALL BE ELIGIBLE TO
22 VOTE IN AN ORGANIZATIONAL ELECTION OR ANY ELECTION CONDUCTED BY
23 THE BOARD OF DIRECTORS FOR A DISTRICT ORGANIZED UNDER THIS
24 ARTICLE 21.

25 **32-21-110. Financial powers.** ANY DISTRICT CREATED PURSUANT
26 TO THIS ARTICLE 21 SHALL HAVE ALL OF THE FINANCIAL POWERS
27 DESCRIBED IN SECTION 32-1-1101; EXCEPT THAT THE LEVY AND

1 COLLECTION OF AD VALOREM TAXES IS SUBJECT TO SECTION 32-21-114.
2 THE DISTRICT SHALL ALSO HAVE THE POWER, UPON VOTER APPROVAL, TO
3 LEVY AND COLLECT A UNIFORM SALES TAX THROUGHOUT THE ENTIRE
4 GEOGRAPHICAL AREA OF THE DISTRICT UPON EVERY TRANSACTION OR
5 OTHER INCIDENT WITH RESPECT TO WHICH A SALES TAX IS LEVIED BY THE
6 STATE PURSUANT TO ARTICLE 26 OF TITLE 39; EXCEPT THAT SUCH SALES
7 TAX SHALL NOT BE LEVIED ON THE SALE OF CIGARETTES. ANY SALES TAX
8 AUTHORIZED PURSUANT TO THIS SECTION SHALL BE LEVIED AND
9 COLLECTED AS PROVIDED IN SECTION 32-21-111.

10 **32-21-111. Sales tax imposed - collection - administration of**

11 **tax.** (1) (a) UPON THE APPROVAL OF THE ELIGIBLE ELECTORS IN THE
12 DISTRICT AT AN ELECTION HELD IN ACCORDANCE WITH SECTION 20 OF
13 ARTICLE X OF THE STATE CONSTITUTION AND PART 8 OF ARTICLE 1 OF THIS
14 TITLE 32, THE DISTRICT SHALL HAVE THE POWER TO LEVY A UNIFORM
15 SALES TAX THROUGHOUT THE ENTIRE GEOGRAPHICAL AREA OF THE
16 DISTRICT UPON EVERY TRANSACTION OR OTHER INCIDENT WITH RESPECT
17 TO WHICH A SALES TAX IS LEVIED BY THE STATE PURSUANT TO ARTICLE 26
18 OF TITLE 39; EXCEPT THAT SUCH SALES TAX SHALL NOT BE LEVIED ON THE
19 SALE OF CIGARETTES.

20 (b) THE SALES TAX IMPOSED PURSUANT TO SUBSECTION (1)(a) OF
21 THIS SECTION IS IN ADDITION TO ANY OTHER SALES TAX IMPOSED
22 PURSUANT TO LAW.

23 (2) (a) THE COLLECTION, ADMINISTRATION, AND ENFORCEMENT OF
24 THE SALES TAX SHALL BE PERFORMED BY THE EXECUTIVE DIRECTOR OF
25 THE DEPARTMENT OF REVENUE IN THE SAME MANNER AS THAT FOR THE
26 COLLECTION, ADMINISTRATION, AND ENFORCEMENT OF THE STATE SALES
27 TAX IMPOSED PURSUANT TO ARTICLE 26 OF TITLE 39 INCLUDING, WITHOUT

1 LIMITATION, THE RETENTION BY A VENDOR OF THE PERCENTAGE OF THE
2 AMOUNT REMITTED TO COVER THE VENDOR'S EXPENSE IN THE COLLECTION
3 AND REMITTANCE OF THE SALES TAX AS PROVIDED IN SECTION 39-26-105.
4 THE EXECUTIVE DIRECTOR SHALL MAKE MONTHLY DISTRIBUTIONS OF
5 SALES TAX COLLECTIONS TO THE DISTRICT. THE DISTRICT SHALL PAY THE
6 NET INCREMENTAL COST INCURRED BY THE DEPARTMENT IN THE
7 ADMINISTRATION AND COLLECTION OF THE SALES TAX.

8 (b) (I) A QUALIFIED PURCHASER MAY PROVIDE A DIRECT PAYMENT
9 PERMIT NUMBER ISSUED PURSUANT TO SECTION 39-26-103.5 TO A VENDOR
10 OR RETAILER THAT IS LIABLE AND RESPONSIBLE FOR COLLECTING AND
11 REMITTING ANY SALES TAX LEVIED ON A SALE MADE TO THE QUALIFIED
12 PURCHASER PURSUANT TO THIS ARTICLE 21. A VENDOR OR RETAILER THAT
13 HAS RECEIVED A DIRECT PAYMENT PERMIT NUMBER IN GOOD FAITH FROM
14 A QUALIFIED PURCHASER SHALL NOT BE LIABLE OR RESPONSIBLE FOR
15 COLLECTION AND REMITTANCE OF A SALES TAX IMPOSED ON A SALE THAT
16 IS PAID FOR DIRECTLY FROM THE QUALIFIED PURCHASER'S FUNDS AND NOT
17 THE PERSONAL FUNDS OF AN INDIVIDUAL.

18 (II) A QUALIFIED PURCHASER THAT PROVIDES A DIRECT PAYMENT
19 PERMIT NUMBER TO A VENDOR OR RETAILER SHALL BE LIABLE AND
20 RESPONSIBLE FOR THE AMOUNT OF SALES TAX LEVIED ON A SALE MADE TO
21 THE QUALIFIED PURCHASER PURSUANT TO THIS ARTICLE 21 IN THE SAME
22 MANNER AS LIABILITY WOULD BE IMPOSED ON A QUALIFIED PURCHASER
23 FOR STATE SALES TAX PURSUANT TO SECTION 39-26-105 (3).

24 **32-21-112. District revenues.** ANY REVENUES RAISED OR
25 GENERATED BY THE DISTRICT SHALL BE IN ADDITION TO AND SHALL NOT
26 BE USED TO REPLACE ANY FUNDING THE COUNTIES IN THE DISTRICT WOULD
27 OTHERWISE BE ENTITLED TO RECEIVE FROM THE STATE OR FEDERAL

1 GOVERNMENT.

2 **32-21-113. Cooperation between districts or other existing**
3 **providers permitted.** A DISTRICT ORGANIZED UNDER THIS ARTICLE 21
4 HAS THE AUTHORITY TO CONTRACT WITH OR WORK COOPERATIVELY AND
5 IN CONJUNCTION WITH ANOTHER EARLY CHILDHOOD DEVELOPMENT
6 SERVICE DISTRICT OR OTHER PUBLIC OR PRIVATE PROVIDER OF EARLY
7 CHILDHOOD DEVELOPMENT SERVICES TO PROVIDE SERVICES AND
8 FACILITIES TO THE RESIDENTS OF SUCH DISTRICTS.

9 **32-21-114. Levy and collection of ad valorem taxes -**
10 **definition.** (1) A DISTRICT CREATED PURSUANT TO THIS ARTICLE 21 HAS
11 THE POWER, UPON APPROVAL BY THE ELIGIBLE ELECTORS OF THE DISTRICT,
12 TO LEVY AND COLLECT AD VALOREM TAXES ON AND AGAINST ALL
13 TAXABLE PROPERTY WITHIN THE DISTRICT SUBJECT TO THE FOLLOWING
14 PROVISIONS:

15 (a) FOR PURPOSES OF THIS SECTION, "ELIGIBLE ELECTOR" HAS THE
16 SAME MEANING AS SET FORTH IN SECTION 32-21-101 (4); AND

17 (b) THE LEVY AND COLLECTION OF AD VALOREM TAXES IS SUBJECT
18 TO THE APPLICABLE PROVISIONS OF THE "SPECIAL DISTRICT ACT", ARTICLE
19 1 OF THIS TITLE 32.

20 **SECTION 7. Act subject to petition - effective date.** This act
21 takes effect at 12:01 a.m. on the day following the expiration of the
22 ninety-day period after final adjournment of the general assembly (August
23 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
24 referendum petition is filed pursuant to section 1 (3) of article V of the
25 state constitution against this act or an item, section, or part of this act
26 within such period, then the act, item, section, or part will not take effect
27 unless approved by the people at the general election to be held in

- 1 November 2018 and, in such case, will take effect on the date of the
- 2 official declaration of the vote thereon by the governor.