

**First Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 09-0949.01 Dan Cartin

SENATE BILL 09-255

SENATE SPONSORSHIP

Cadman,

HOUSE SPONSORSHIP

Kerr A.,

Senate Committees
Business, Labor and Technology

House Committees
Business Affairs and Labor

A BILL FOR AN ACT

101 **CONCERNING THE COLORADO SHARED SERVICES AUTHORITY.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Creates the Colorado shared services authority (authority). Includes the authority within the definition of a "special purpose authority" for purposes of constitutional state fiscal policies. Designates the members of the board of directors of the authority.

Specifies the powers and duties of the authority and that it is the mission of the authority to:

- ! Develop an innovative shared services delivery model that provides shared services to eligible public sector entities;
- ! Enter into fee-for-services contracts with eligible public

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

Capital letters indicate new material to be added to existing statute.

Dashes through the words indicate deletions from existing statute.

SENATE
3rd Reading Unamended
April 23, 2009

SENATE
Amended 2nd Reading
April 22, 2009

- sector entities for purposes of enabling and coordinating shared services among eligible public sector entities;
- ! Issue requests for bids or proposals for contracts with any public or private parties for the design, implementation, operation, and improvement of shared services among eligible public sector entities;
- ! Enter into agreements with the office of information technology for the purpose of implementing shared services among state agencies;
- ! Procure, license, and contract for products and services on behalf of eligible public sector entities;
- ! Establish one or more statewide data centers for utilization by eligible public sector entities;
- ! Establish one or more statewide call centers for utilization by eligible public sector entities that provides technology-enabled tiered call center services cost effectively;
- ! Facilitate shared services through agreements with eligible public sector entities and public-private partnerships; and
- ! Pursue advancing technologies.

Requires the authority to follow the information and communications technology industry's best practices. Authorizes the authority to utilize any existing governmental price agreements. Specifies that the authority may issue requests for bids or proposals for contracts with any private entity that is engaged in providing shared services for private sector entities.

Specifies the sources of funding for the authority. Authorizes the issuance of bonds and notes of the authority payable from revenues of the authority. Specifies that such bonds and notes shall not be a debt of the state or a local government. Provides that all moneys received by the authority are held as trust funds.

Authorizes the office of information technology to enter into contracts with the authority to implement shared services for state agencies.

Directs the state's chief information security officer to coordinate or contract with the authority in connection with sharing services among public agencies related to information security.

Excludes the authority from the definition of "local government" under the "Local Government Budget Law of Colorado" and "Colorado Local Government Audit Law".

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

2 **SECTION 1.** Title 24, Colorado Revised Statutes, is amended BY

1 THE ADDITION OF A NEW ARTICLE to read:

2 **ARTICLE 37.9**

3 **Colorado Shared Services Authority**

4 **24-37.9-101. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
5 CONTEXT OTHERWISE REQUIRES:

6 (1) "AUTHORITY" MEANS THE COLORADO SHARED SERVICES
7 AUTHORITY CREATED PURSUANT TO SECTION 24-37.9-102.

8 (2) "BOARD" MEANS THE BOARD OF DIRECTORS OF THE AUTHORITY
9 APPOINTED PURSUANT TO SECTION 24-37.9-102.

10 (3) "CHIEF EXECUTIVE OFFICER" MEANS THE CHIEF EXECUTIVE
11 OFFICER OF THE AUTHORITY APPOINTED PURSUANT TO SECTION
12 24-37.9-104 (1) (n).

13 (4) "ELIGIBLE PUBLIC SECTOR ENTITY" MEANS A STATE AGENCY,
14 LOCAL GOVERNMENT, SCHOOL DISTRICT, OR NONPROFIT AGENCY.

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16 (5) "LOCAL GOVERNMENT" MEANS THE GOVERNMENT OF ANY
17 COUNTY, CITY AND COUNTY, HOME RULE OR STATUTORY CITY, TOWN,
18 SPECIAL DISTRICT, SCHOOL DISTRICT, OR OTHER POLITICAL SUBDIVISION OF
19 THE STATE.

20 (6) "SCHOOL DISTRICT" MEANS ANY PUBLIC SCHOOL DISTRICT
21 ORGANIZED UNDER THE LAWS OF THIS STATE, AN INSTITUTE CHARTER
22 SCHOOL CREATED PURSUANT TO PART 5 OF ARTICLE 30.5 OF TITLE 22, OR
23 A JUNIOR COLLEGE DISTRICT.

24 (7) "SHARED SERVICES" MEANS SPECIFIC TECHNOLOGY
25 COMPONENTS INCLUDING BUT NOT LIMITED TO THE FOLLOWING:

26 (a) ENTERPRISE RESOURCE PLANNING, INCLUDING BUT NOT
27 LIMITED TO INTEGRATED FINANCIAL, PAYROLL, HUMAN RESOURCES,

1 PURCHASING, SUPPLY CHAIN MANAGEMENT, ASSET MANAGEMENT,
2 CUSTOMER RELATIONSHIP MANAGEMENT, GRANT MANAGEMENT,
3 REPORTING, ANALYTICS, AND PROJECT COSTING AND TIME KEEPING;

4 (b) LAW ENFORCEMENT SERVICES, INCLUDING BUT NOT LIMITED TO
5 COMPUTER-AIDED DISPATCH, RECORDS MANAGEMENT SYSTEMS,
6 EMERGENCY 911 SERVICES, AND SUPPORT FOR MOBILE COMPUTING
7 DEVICES IN PATROL CARS;

8 (c) UTILITY BILLING;

9 (d) THE STATE DIGITAL TRUNKED RADIO SYSTEM;

10 (e) DATA CENTER HOSTING SERVICES, INCLUDING BUT NOT LIMITED
11 TO SERVER HOSTING, TIERED STORAGE SOLUTIONS, NETWORK
12 MANAGEMENT SERVICES, SYSTEM ADMINISTRATION SERVICES, SERVER
13 DATABASE ADMINISTRATION SERVICES, AND DISASTER RECOVERY;

14 (f) ENTERPRISE CONTENT MANAGEMENT, INCLUDING BUT NOT
15 LIMITED TO THE CREATION, DEVELOPMENT, AND IMPLEMENTATION OF AN
16 ENTERPRISE SOLUTION FOR DIGITAL DOCUMENTS;

17 (g) INFORMATION SECURITY MANAGED SERVICES IN COORDINATION
18 WITH THE CHIEF INFORMATION SECURITY OFFICER APPOINTED PURSUANT
19 TO SECTION 24-37.5-403 (1);

20 (h) ELECTRONIC MAIL SERVICES; AND

21 (i) GOVERNMENTAL NOTIFICATION SERVICES INCLUDING BUT NOT
22 LIMITED TO 211 AND 311 COMMUNICATIONS SYSTEMS.

23 (8) "STATE AGENCY" MEANS ANY DEPARTMENT, COMMISSION,
24 COUNCIL, BOARD, BUREAU, COMMITTEE, INSTITUTION OF HIGHER
25 EDUCATION, AGENCY, OR OTHER GOVERNMENTAL UNIT OF THE EXECUTIVE,
26 LEGISLATIVE, OR JUDICIAL BRANCH OF STATE GOVERNMENT.

27 **24-37.9-102. Colorado shared services authority - creation -**

1 **board.** (1) THERE IS HEREBY CREATED AN INDEPENDENT PUBLIC BODY
2 POLITIC AND CORPORATE TO BE KNOWN AS THE COLORADO SHARED
3 SERVICES AUTHORITY. THE AUTHORITY SHALL BE A BODY CORPORATE
4 AND A POLITICAL SUBDIVISION OF THE STATE AND SHALL NOT BE AN
5 AGENCY OF THE STATE GOVERNMENT AND SHALL NOT BE SUBJECT TO
6 ADMINISTRATIVE DIRECTION BY ANY DEPARTMENT, COMMISSION, BOARD,
7 OR AGENCY OF THE STATE.

8 (2) THE GOVERNING BODY OF THE AUTHORITY SHALL BE A BOARD
9 OF DIRECTORS THAT SHALL CONSIST OF THE FOLLOWING THIRTEEN VOTING
10 MEMBERS:

11 (a) THE CHIEF INFORMATION OFFICER OF THE OFFICE OF
12 INFORMATION TECHNOLOGY, CREATED IN SECTION 24-37.5-103, WHO
13 SHALL SERVE AS CHAIRPERSON OF THE BOARD;

14 (b) THE SECRETARY OF STATE;

15 (c) THE EXECUTIVE DIRECTORS OF TWO PRINCIPAL DEPARTMENTS
16 OF THE STATE APPOINTED BY THE GOVERNOR;

17 (d) THE CHIEF INFORMATION OFFICER OF A COUNTY APPOINTED BY
18 THE GOVERNOR WITH THE CONSENT OF THE SENATE;

19 (e) THE CHIEF INFORMATION OFFICER OF A MUNICIPALITY
20 APPOINTED BY THE GOVERNOR WITH THE CONSENT OF THE SENATE;

21 (f) ONE MEMBER REPRESENTING SCHOOL DISTRICTS IN THE STATE
22 APPOINTED BY THE GOVERNOR WITH THE CONSENT OF THE SENATE;

23 (g) ONE MEMBER REPRESENTING INSTITUTIONS OF HIGHER
24 EDUCATION APPOINTED BY THE GOVERNOR WITH THE CONSENT OF THE
25 SENATE;

26 (h) TWO MEMBERS FROM THE PRIVATE SECTOR WHO HAVE A
27 BACKGROUND IN INFORMATION MANAGEMENT AND TECHNOLOGY AND

1 WHO ARE USERS OF ELECTRONIC INFORMATION, PRODUCTS, AND SERVICES
2 OR INFORMATION TECHNOLOGY SERVICES THAT ARE OFFERED THROUGH
3 THE PRIVATE SECTOR APPOINTED BY THE GOVERNOR WITH THE CONSENT
4 OF THE SENATE. NO PRIVATE SECTOR BOARD MEMBER SHALL BE A
5 PROFESSIONAL LOBBYIST REGISTERED PURSUANT TO SECTION 24-6-303.

6 (i) ONE MEMBER REPRESENTING THE JUDICIAL DEPARTMENT OF
7 THE STATE APPOINTED BY THE CHIEF JUSTICE OF THE SUPREME COURT; AND

8 (j) ONE MEMBER OF THE SENATE APPOINTED BY THE PRESIDENT OF
9 THE SENATE AND ONE MEMBER OF THE HOUSE OF REPRESENTATIVES
10 APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, BOTH
11 OF WHOM SHALL HAVE A BACKGROUND IN INFORMATION MANAGEMENT
12 AND TECHNOLOGY, HAVE EXPERIENCE AS MEMBERS OF AN OVERSIGHT
13 COMMITTEE FOR INFORMATION MANAGEMENT AND TECHNOLOGY, OR HAVE
14 EXPERIENCE IN SHARED SERVICES, IN ENTERPRISE-WIDE OPERATIONAL
15 MANAGEMENT, OR AS AN ENTERPRISE-WIDE DIRECTOR OR ABOVE THE
16 DIRECTOR LEVEL.

17 (3) THE MEMBERS OF THE BOARD APPOINTED PURSUANT TO
18 PARAGRAPHS (d) TO (h) OF SUBSECTION (2) OF THIS SECTION SHALL SERVE
19 FOR TERMS OF FOUR YEARS EACH; EXCEPT THAT, OF THOSE MEMBERS FIRST
20 APPOINTED TO THE BOARD, THE TERMS OF OFFICE SHALL BE AS FOLLOWS:

21 (a) THREE MEMBERS SHALL BE APPOINTED FOR ONE YEAR;

22 (b) TWO MEMBERS SHALL BE APPOINTED FOR TWO YEARS; AND

23 (c) TWO MEMBERS SHALL BE APPOINTED FOR THREE YEARS.

24 (4) THE TERMS OF MEMBERS APPOINTED OR REAPPOINTED BY THE
25 SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT OF THE
26 SENATE SHALL EXPIRE ON THE CONVENING DATE OF THE FIRST REGULAR
27 SESSION OF EACH GENERAL ASSEMBLY, AND ALL SUBSEQUENT

1 APPOINTMENTS AND REAPPOINTMENTS BY THE SPEAKER AND THE
2 PRESIDENT SHALL BE MADE AS SOON AS PRACTICABLE AFTER SUCH
3 CONVENING DATE. MEMBERS APPOINTED OR REAPPOINTED BY THE
4 SPEAKER AND THE PRESIDENT SHALL SERVE AT THE PLEASURE OF THE
5 APPOINTING AUTHORITY AND SHALL CONTINUE IN OFFICE UNTIL THE
6 MEMBER'S SUCCESSOR IS APPOINTED.

7 (5) EACH MEMBER OF THE BOARD SHALL SERVE UNTIL HIS OR HER
8 SUCCESSOR HAS BEEN APPOINTED AND QUALIFIED. THE PERSON MAKING
9 THE ORIGINAL APPOINTMENT SHALL FILL ANY VACANCY BY APPOINTMENT
10 FOR THE REMAINDER OF AN UNEXPIRED TERM.

11 (6) THE MEMBERS OF THE BOARD SHALL ELECT FROM AMONG THE
12 MEMBERSHIP OF THE BOARD A VICE-CHAIR, A SECRETARY, AND A
13 TREASURER AND MAY PROVIDE FOR THEIR DUTIES AND TERMS OF OFFICE.

14 (7) ANY APPOINTED MEMBER OF THE BOARD MAY BE REMOVED BY
15 HIS OR HER APPOINTING AUTHORITY FOR MISCONDUCT, INCOMPETENCE, OR
16 NEGLECT OF DUTY. ACTIONS CONSTITUTING NEGLECT OF DUTY SHALL
17 INCLUDE, BUT NOT BE LIMITED TO, THE FAILURE OF A BOARD MEMBER TO
18 ATTEND THREE CONSECUTIVE MEETINGS OR AT LEAST THREE-FOURTHS OF
19 THE MEETINGS OF THE BOARD IN ANY ONE CALENDAR YEAR.

20 (8) NEITHER THE MEMBERS OF THE BOARD NOR ANY PERSON
21 AUTHORIZED BY THE BOARD TO ACT IN AN OFFICIAL CAPACITY SHALL BE
22 HELD PERSONALLY LIABLE FOR ANY ACT UNDERTAKEN PURSUANT TO THE
23 PROVISIONS OF THIS ARTICLE.

24 (9) THE BOARD MAY APPOINT SUCH ADDITIONAL NONVOTING
25 MEMBERS TO THE BOARD AS IT DEEMS NECESSARY. ADDITIONAL MEMBERS
26 APPOINTED PURSUANT TO THIS SUBSECTION (9) SHALL NOT BE INCLUDED
27 IN DETERMINING WHETHER A QUORUM IS PRESENT.

1 **24-37.9-103. Meetings of board - quorum - expenses.** (1) ALL
2 MEETINGS OF THE BOARD SHALL BE SUBJECT TO THE PROVISIONS OF
3 SECTION 24-6-402. NO BUSINESS OF THE BOARD SHALL BE TRANSACTED
4 EXCEPT AT A REGULAR OR SPECIAL MEETING AT WHICH A QUORUM
5 CONSISTING OF AT LEAST A MAJORITY OF THE TOTAL VOTING MEMBERSHIP
6 OF THE BOARD IS PRESENT. ANY ACTION OF THE BOARD SHALL REQUIRE
7 THE AFFIRMATIVE VOTE OF A MAJORITY OF THE VOTING MEMBERS PRESENT
8 AT ANY MEETING AT WHICH A QUORUM IS PRESENT. MEMBERS MAY
9 PARTICIPATE IN ANY MEETING OF THE BOARD BY TELEPHONE OR OTHER
10 ELECTRONIC CONNECTION FOR PURPOSES OF ESTABLISHING A QUORUM
11 AND VOTING.

12 (2) MEMBERS OF THE BOARD SHALL BE REIMBURSED FOR ALL
13 NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES
14 UNDER THIS ARTICLE. ANY PAYMENTS TO BOARD MEMBERS PURSUANT TO
15 THIS SUBSECTION (2) SHALL BE PAID FROM MONEYS OF THE AUTHORITY.

16 **24-37.9-104. Authority - duties and powers.** (1) IN ADDITION
17 TO ANY OTHER POWERS GRANTED TO THE AUTHORITY PURSUANT TO THIS
18 ARTICLE, THE AUTHORITY SHALL HAVE THE FOLLOWING POWERS:

19 (a) TO HAVE THE DUTIES, PRIVILEGES, IMMUNITIES, RIGHTS,
20 LIABILITIES, AND DISABILITIES OF A BODY CORPORATE AND POLITICAL
21 SUBDIVISION OF THE STATE;

22 (b) TO HAVE PERPETUAL EXISTENCE AND SUCCESSION;

23 (c) TO ADOPT, HAVE, AND USE A SEAL AND TO ALTER THE SAME AT
24 ITS PLEASURE;

25 (d) TO SUE AND BE SUED;

26 (e) TO ENTER INTO ANY CONTRACT OR AGREEMENT NOT
27 INCONSISTENT WITH THIS ARTICLE OR THE LAWS OF THIS STATE AND TO

1 AUTHORIZE THE CHIEF EXECUTIVE OFFICER TO ENTER INTO CONTRACTS,
2 EXECUTE ALL INSTRUMENTS, AND DO ALL THINGS NECESSARY OR
3 CONVENIENT IN THE EXERCISE OF THE POWERS GRANTED IN THIS ARTICLE
4 AND TO SECURE THE PAYMENT OF BONDS;

5 (f) TO BORROW MONEY AND TO ISSUE BONDS EVIDENCING THE
6 SAME;

7 (g) TO PURCHASE, LEASE, TRADE, EXCHANGE, OR OTHERWISE
8 ACQUIRE, MAINTAIN, HOLD, IMPROVE, MORTGAGE, SELL, AND DISPOSE OF
9 PERSONAL PROPERTY, WHETHER TANGIBLE OR INTANGIBLE, OR ANY
10 INTEREST THEREIN; AND TO PURCHASE, LEASE, TRADE, EXCHANGE, OR
11 OTHERWISE ACQUIRE REAL PROPERTY OR ANY INTEREST THEREIN AND TO
12 MAINTAIN, HOLD, IMPROVE, MORTGAGE, LEASE, OR OTHERWISE TRANSFER
13 SUCH REAL PROPERTY, SO LONG AS SUCH TRANSACTIONS DO NOT
14 INTERFERE WITH THE MISSION OF THE AUTHORITY AS SPECIFIED IN SECTION
15 24-37.9-105;

16 (h) TO ACQUIRE SPACE, EQUIPMENT, SERVICES, SUPPLIES, AND
17 INSURANCE NECESSARY TO CARRY OUT THE PURPOSES OF THIS ARTICLE;

18 (i) TO DEPOSIT ANY MONEYS OF THE AUTHORITY IN ANY BANKING
19 INSTITUTION WITHIN THE STATE OR IN ANY DEPOSITORY AUTHORIZED IN
20 SECTION 24-75-603, AND TO APPOINT, FOR THE PURPOSE OF MAKING SUCH
21 DEPOSITS, ONE OR MORE PERSONS TO ACT AS CUSTODIANS OF THE MONEYS
22 OF THE AUTHORITY, SUBJECT TO THE SUPERVISION OF THE CHIEF
23 INFORMATION OFFICER AND THE TREASURER OF THE AUTHORITY, WHO
24 SHALL GIVE SURETY BONDS IN SUCH AMOUNTS AND FORM AND FOR SUCH
25 PURPOSES AS THE BOARD REQUIRES;

26 (j) TO CONTRACT FOR AND TO ACCEPT ANY GIFTS, GRANTS, OR
27 LOANS OF FUNDS, PROPERTY, OR ANY OTHER AID IN ANY FORM FROM THE

1 FEDERAL GOVERNMENT, THE STATE, ANY STATE AGENCY, OR ANY OTHER
2 SOURCE, OR ANY COMBINATION THEREOF, AND TO COMPLY, SUBJECT TO
3 THE PROVISIONS OF THIS ARTICLE, WITH THE TERMS AND CONDITIONS
4 THEREOF;

5 (k) TO HAVE AND EXERCISE ALL RIGHTS AND POWERS NECESSARY
6 OR INCIDENTAL TO OR IMPLIED FROM THE SPECIFIC POWERS GRANTED IN
7 THIS ARTICLE, WHICH SPECIFIC POWERS SHALL NOT BE CONSIDERED AS A
8 LIMITATION UPON ANY POWER NECESSARY OR APPROPRIATE TO CARRY OUT
9 THE PURPOSES AND INTENT OF THIS ARTICLE;

10 (l) TO FIX THE TIME AND PLACE OR PLACES AT WHICH ITS REGULAR
11 AND SPECIAL MEETINGS ARE TO BE HELD. MEETINGS SHALL BE HELD ON
12 THE CALL OF THE PRESIDING OFFICER, BUT NO LESS THAN SIX MEETINGS
13 SHALL BE HELD ANNUALLY.

14 (m) TO ADOPT AND FROM TIME TO TIME AMEND OR REPEAL
15 BYLAWS AND RULES AND REGULATIONS CONSISTENT WITH THE PROVISIONS
16 OF THIS ARTICLE; EXCEPT THAT ARTICLE 4 OF THIS TITLE SHALL NOT APPLY
17 TO THE PROMULGATION OF ANY POLICIES, PROCEDURES, RULES, OR
18 REGULATIONS OF THE AUTHORITY;

19 (n) TO APPOINT A CHIEF EXECUTIVE OFFICER AND SUCH AGENTS,
20 EMPLOYEES, AND PROFESSIONAL AND BUSINESS ADVISERS AS MAY FROM
21 TIME TO TIME BE NECESSARY IN ITS JUDGMENT TO ACCOMPLISH THE
22 PURPOSES OF THIS ARTICLE, TO FIX THE COMPENSATION OF SUCH CHIEF
23 EXECUTIVE OFFICER, EMPLOYEES, AGENTS, AND ADVISERS, AND TO
24 ESTABLISH THE POWERS AND DUTIES OF ALL SUCH AGENTS, EMPLOYEES,
25 AND OTHER PERSONS CONTRACTING WITH THE AUTHORITY;

26 (o) TO WAIVE, BY SUCH MEANS AS THE AUTHORITY DEEMS
27 APPROPRIATE, THE EXEMPTION FROM FEDERAL INCOME TAXATION OF

1 INTEREST ON THE AUTHORITY'S BONDS, NOTES, OR OTHER OBLIGATIONS
2 PROVIDED BY THE FEDERAL "INTERNAL REVENUE CODE OF 1986", AS
3 AMENDED, OR ANY OTHER FEDERAL STATUTE PROVIDING A SIMILAR
4 EXEMPTION;

5 (p) TO MAKE AND EXECUTE AGREEMENTS, CONTRACTS, OR OTHER
6 INSTRUMENTS NECESSARY OR CONVENIENT TO THE EXERCISE OF THE
7 POWERS AND FUNCTIONS OF THE AUTHORITY UNDER THIS ARTICLE,
8 INCLUDING BUT NOT LIMITED TO CONTRACTS WITH ANY PERSON, FIRM,
9 CORPORATION, STATE AGENCY, LOCAL GOVERNMENT, OR OTHER ENTITY.
10 ALL STATE AGENCIES AND LOCAL GOVERNMENTS ARE HEREBY
11 AUTHORIZED TO ENTER INTO AND DO ALL THINGS NECESSARY TO PERFORM
12 ANY SUCH ARRANGEMENT OR CONTRACT WITH THE AUTHORITY.

13 (q) TO ARRANGE FOR GUARANTEES OR INSURANCE OF ITS BONDS,
14 NOTES, OR OTHER OBLIGATIONS BY THE FEDERAL GOVERNMENT OR BY ANY
15 PRIVATE INSURER, AND TO PAY ANY PREMIUMS THEREFOR.

16 **24-37.9-105. Mission of the authority - best practices.** (1) THE
17 MISSION OF THE AUTHORITY IS TO:

18 (a) DEVELOP AN INNOVATIVE SHARED SERVICES DELIVERY MODEL
19 AND COLORADO ECONOMIC DEVELOPMENT INITIATIVE TO PROVIDE SHARED
20 SERVICES TO ELIGIBLE PUBLIC SECTOR ENTITIES;

21 (b) ENTER INTO FEE-FOR-SERVICES CONTRACTS WITH ELIGIBLE
22 PUBLIC SECTOR ENTITIES FOR PURPOSES OF ENABLING AND COORDINATING
23 SHARED SERVICES AMONG ELIGIBLE PUBLIC SECTOR ENTITIES;

24 (c) ISSUE REQUESTS FOR BIDS OR PROPOSALS FOR CONTRACTS WITH
25 ANY PUBLIC OR PRIVATE PARTIES FOR THE DESIGN, IMPLEMENTATION,
26 OPERATION, AND IMPROVEMENT OF SHARED SERVICES AMONG ELIGIBLE
27 PUBLIC SECTOR ENTITIES;

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(d) PROCURE, LICENSE, AND CONTRACT FOR PRODUCTS AND SERVICES ON BEHALF OF ELIGIBLE PUBLIC SECTOR ENTITIES;

(e) ESTABLISH ONE OR MORE STATEWIDE DATA CENTERS FOR UTILIZATION BY ELIGIBLE PUBLIC SECTOR ENTITIES;

(f) ESTABLISH ONE OR MORE STATEWIDE CALL CENTERS, FOR UTILIZATION BY ELIGIBLE PUBLIC SECTOR ENTITIES, THAT PROVIDE TECHNOLOGY-ENABLED TIERED CALL CENTER SERVICES COST EFFECTIVELY;

(g) FACILITATE SHARED SERVICES THROUGH AGREEMENTS WITH ELIGIBLE PUBLIC SECTOR ENTITIES AND PUBLIC-PRIVATE PARTNERSHIPS;

AND

(h) PURSUE ADVANCING TECHNOLOGIES.

(2) THE AUTHORITY SHALL FOLLOW THE INFORMATION AND COMMUNICATIONS TECHNOLOGY INDUSTRY'S BEST PRACTICES.

(3) THE AUTHORITY MAY UTILIZE ANY EXISTING GOVERNMENTAL PRICE AGREEMENTS.

(4) NOTHING IN THIS SECTION SHALL RESTRICT THE ABILITY OF THE AUTHORITY TO ISSUE REQUESTS FOR BIDS OR PROPOSALS FOR CONTRACTS WITH ANY PRIVATE ENTITY THAT IS ENGAGED IN PROVIDING SHARED SERVICES FOR PRIVATE SECTOR ENTITIES.

24-37.9-106. Access to data - compliance with law. ACCESS TO THE DATA AND ELECTRONIC INFORMATION, PRODUCTS, AND SERVICES OF AN ELIGIBLE PUBLIC SECTOR ENTITY BY THE AUTHORITY SHALL BE CONSISTENT WITH ANY LAW GOVERNING SUCH ACCESS.

24-37.9-107. Financing. (1) THE AUTHORITY SHALL FUND ITS OPERATIONS FROM:

1 (a) FEDERAL OR PRIVATE MONEYS GRANTED OR ALLOCATED TO
2 THE AUTHORITY;

3 (b) REVENUES DERIVED BY THE AUTHORITY PURSUANT TO
4 CONTRACTS AND AGREEMENTS ENTERED INTO BY THE AUTHORITY
5 PURSUANT TO THIS ARTICLE;

6 (c) MONEYS, GOODS, OR IN-KIND SERVICES DONATED FROM PUBLIC
7 OR PRIVATE SOURCES;

8 (d) MONEYS LOANED TO THE AUTHORITY BY ANY PERSON OR
9 ENTITY; OR

10 (e) MONEYS DERIVED FROM THE ISSUANCE AND SALE OF BONDS.

11 **24-37.9-108. Bonds and notes.** (1) THE AUTHORITY MAY, FROM
12 TIME TO TIME, ISSUE BONDS AND NOTES FOR ANY OF ITS CORPORATE
13 PURPOSES. THE BONDS AND NOTES SHALL BE ISSUED PURSUANT TO
14 RESOLUTION OF THE BOARD AND SHALL BE PAYABLE SOLELY OUT OF ALL
15 OR A SPECIFIED PORTION OF THE REVENUES OF THE AUTHORITY AS
16 DESIGNATED BY THE BOARD.

17 (2) BONDS OF THE AUTHORITY, AS PROVIDED IN THE RESOLUTION
18 OF THE AUTHORITY UNDER WHICH THE BONDS ARE AUTHORIZED OR AS
19 PROVIDED IN A TRUST INDENTURE BETWEEN THE AUTHORITY AND ANY
20 COMMERCIAL OR TRUST COMPANY HAVING FULL TRUST POWERS, MAY:

21 (a) BE EXECUTED AND DELIVERED BY THE AUTHORITY IN THE
22 FORM, IN DENOMINATIONS, UPON THE TERMS AND MATURITIES, AND AT
23 THE TIMES ESTABLISHED BY THE BOARD;

24 (b) BE SUBJECT TO OPTIONAL OR MANDATORY REDEMPTION PRIOR
25 TO MATURITY WITH OR WITHOUT A PREMIUM;

26 (c) BE IN FULLY REGISTERED FORM OR BEARER FORM REGISTRABLE
27 AS TO PRINCIPAL OR INTEREST OR BOTH;

1 (d) BEAR SUCH CONVERSION PRIVILEGES AND BE PAYABLE IN SUCH
2 INSTALLMENTS AND AT SUCH TIMES NOT EXCEEDING TWENTY YEARS FROM
3 THE DATE OF ISSUANCE AS ESTABLISHED BY THE BOARD;

4 (e) BE PAYABLE AT SUCH PLACE OR PLACES WHETHER WITHIN OR
5 WITHOUT THE STATE AS ESTABLISHED BY THE BOARD;

6 (f) BEAR INTEREST AT SUCH RATE OR RATES PER ANNUM, WHICH
7 MAY BE FIXED OR VARY ACCORDING TO INDEX, PROCEDURE, OR FORMULA
8 OR AS DETERMINED BY THE AUTHORITY OR ITS AGENTS WITHOUT REGARD
9 TO ANY INTEREST RATE LIMITATION APPEARING IN ANY OTHER LAW OF THE
10 STATE;

11 (g) BE SUBJECT TO PURCHASE AT THE OPTION OF THE HOLDER OR
12 THE BOARD;

13 (h) BE EVIDENCED IN THE MANNER ESTABLISHED BY THE BOARD,
14 AND EXECUTED BY THE OFFICERS OF THE AUTHORITY, INCLUDING THE USE
15 OF ONE OR MORE FACSIMILE SIGNATURES SO LONG AS AT LEAST ONE
16 MANUAL SIGNATURE APPEARS ON THE BONDS, WHICH MAY BE EITHER OF
17 AN OFFICER OF THE AUTHORITY OR OF AN AGENT AUTHENTICATING THE
18 SAME;

19 (i) BE IN THE FORM OF COUPON BONDS THAT HAVE ATTACHED
20 INTEREST COUPONS BEARING A MANUAL OR A FACSIMILE SIGNATURE OF AN
21 OFFICER OF THE AUTHORITY; AND

22 (j) CONTAIN ANY OTHER PROVISIONS NOT INCONSISTENT WITH THIS
23 ARTICLE.

24 (3) THE BONDS MAY BE SOLD AT PUBLIC OR PRIVATE SALE AT THE
25 PRICE OR PRICES, IN THE MANNER, AND AT THE TIMES AS DETERMINED BY
26 THE BOARD, AND THE BOARD MAY PAY ALL FEES, EXPENSES, AND
27 COMMISSIONS THAT IT DEEMS NECESSARY OR ADVANTAGEOUS IN

1 CONNECTION WITH THE SALE OF THE BONDS. THE POWER TO FIX THE DATE
2 OF SALE OF THE BONDS, TO RECEIVE BIDS OR PROPOSALS, TO AWARD AND
3 SELL BONDS, TO FIX INTEREST RATES, AND TO TAKE ALL OTHER ACTION
4 NECESSARY TO SELL AND DELIVER THE BONDS MAY BE DELEGATED TO AN
5 OFFICER OR AGENT OF THE AUTHORITY. ANY OUTSTANDING BONDS MAY
6 BE REFUNDED BY THE AUTHORITY PURSUANT TO ARTICLE 56 OF TITLE 11,
7 C.R.S. ALL BONDS AND ANY INTEREST COUPONS APPLICABLE THERETO
8 ARE DECLARED TO BE NEGOTIABLE INSTRUMENTS.

9 (4) THE RESOLUTION OR TRUST INDENTURE AUTHORIZING THE
10 ISSUANCE OF THE BONDS OR NOTES MAY PLEDGE ALL OR A PORTION OF THE
11 PROPERTY OR REVENUES OF THE AUTHORITY, MAY CONTAIN SUCH
12 PROVISIONS FOR PROTECTING AND ENFORCING THE RIGHTS AND REMEDIES
13 OF HOLDERS OF ANY OF THE BONDS OR NOTES AS THE AUTHORITY DEEMS
14 APPROPRIATE, MAY SET FORTH THE RIGHTS AND REMEDIES OF THE
15 HOLDERS OF ANY OF THE BONDS OR NOTES, AND MAY CONTAIN PROVISIONS
16 THAT THE AUTHORITY DEEMS APPROPRIATE FOR THE SECURITY OF THE
17 HOLDERS OF THE BONDS OR NOTES, INCLUDING BUT NOT LIMITED TO
18 PROVISIONS FOR LETTERS OF CREDIT, INSURANCE, STANDBY CREDIT
19 AGREEMENTS, OR OTHER FORMS OF CREDIT ENSURING TIMELY PAYMENT
20 OF THE BONDS OR NOTES, INCLUDING THE REDEMPTION PRICE OR THE
21 PURCHASE PRICE.

22 (5) ANY PLEDGE OF REVENUES OR PROPERTY MADE BY THE
23 AUTHORITY OR BY ANY PERSON OR GOVERNMENTAL UNIT WITH WHICH THE
24 AUTHORITY CONTRACTS SHALL BE VALID AND BINDING FROM THE TIME
25 THE PLEDGE IS MADE. THE REVENUES OR PROPERTY SO PLEDGED SHALL
26 IMMEDIATELY BE SUBJECT TO THE LIEN OF SUCH PLEDGE WITHOUT ANY
27 PHYSICAL DELIVERY OR FURTHER ACT, AND THE LIEN OF SUCH PLEDGE

1 SHALL BE VALID AND BINDING AGAINST ALL PARTIES HAVING CLAIMS OF
2 ANY KIND IN TORT, CONTRACT, OR OTHERWISE AGAINST THE PLEDGING
3 PARTY, REGARDLESS OF WHETHER THE PARTY HAS NOTICE OF SUCH LIEN.
4 THE INSTRUMENT BY WHICH THE PLEDGE IS CREATED NEED NOT BE
5 RECORDED OR FILED.

6 (6) NEITHER THE MEMBERS OF THE BOARD, EMPLOYEES OF THE
7 AUTHORITY, NOR ANY PERSON EXECUTING THE BONDS SHALL BE LIABLE
8 PERSONALLY ON THE BONDS OR NOTES OR SUBJECT TO ANY PERSONAL
9 LIABILITY OR ACCOUNTABILITY BY REASON OF THE ISSUANCE THEREOF.

10 (7) BONDS AND NOTES ISSUED BY THE AUTHORITY SHALL NOT
11 CONSTITUTE OR BECOME AN INDEBTEDNESS, A DEBT, OR A LIABILITY OF
12 THE STATE OR A LOCAL GOVERNMENT. THE BONDS SHALL CONTAIN ON
13 THE FACE THEREOF A STATEMENT TO SUCH EFFECT.

14 (8) THE AUTHORITY MAY PURCHASE ITS BONDS OR NOTES OUT OF
15 ANY AVAILABLE MONEYS AND MAY HOLD, PLEDGE, CANCEL, OR RESELL
16 SUCH BONDS AND NOTES SUBJECT TO AND IN ACCORDANCE WITH
17 AGREEMENTS WITH THE HOLDERS THEREOF.

18 (9) ANY BONDS, NOTES, OR OTHER SECURITIES ISSUED PURSUANT
19 TO THIS SECTION AND THE INCOME THEREFROM, INCLUDING ANY PROFIT
20 FROM THE SALE THEREOF, SHALL BE EXEMPT FROM ALL TAXATION OF THE
21 STATE OR ANY AGENCY, POLITICAL SUBDIVISION, OR INSTRUMENTALITY OF
22 THE STATE.

23 **24-37.9-109. Agreement of the state not to limit or alter rights**
24 **of obligees.** THE STATE HEREBY PLEDGES AND AGREES WITH THE
25 HOLDERS OF ANY BONDS OR NOTES ISSUED UNDER THIS ARTICLE AND WITH
26 THOSE PARTIES WHO ENTER INTO CONTRACT WITH THE AUTHORITY THAT
27 THE STATE WILL NOT LIMIT, ALTER, RESTRICT, OR IMPAIR THE RIGHTS

1 VESTED IN THE AUTHORITY OR THE RIGHTS OR OBLIGATIONS OF ANY
2 PERSON WITH WHICH IT CONTRACTS TO FULFILL THE TERMS OF ANY
3 AGREEMENTS MADE PURSUANT TO THIS ARTICLE. THE STATE FURTHER
4 AGREES THAT IT WILL NOT IN ANY WAY IMPAIR THE RIGHTS OR REMEDIES
5 OF THE HOLDERS OF ANY BONDS OR NOTES OF THE AUTHORITY UNTIL SUCH
6 BONDS OR NOTES HAVE BEEN PAID OR UNTIL ADEQUATE PROVISION FOR
7 PAYMENT HAS BEEN MADE. THE AUTHORITY MAY INCLUDE THIS
8 PROVISION AND UNDERTAKING FOR THE STATE IN SUCH BONDS OR NOTES.

9 **24-37.9-110. Investments.** THE AUTHORITY MAY INVEST OR
10 DEPOSIT ANY MONEYS IN THE MANNER PROVIDED BY PART 6 OF ARTICLE
11 75 OF THIS TITLE. IN ADDITION, THE AUTHORITY MAY DIRECT A
12 CORPORATE TRUSTEE THAT HOLDS MONEYS OF THE AUTHORITY TO INVEST
13 OR DEPOSIT SUCH MONEYS IN INVESTMENTS OR DEPOSITS OTHER THAN
14 THOSE SPECIFIED BY SAID PART 6 IF THE BOARD DETERMINES, BY
15 RESOLUTION, THAT THE INVESTMENT OR DEPOSIT MEETS THE STANDARD
16 ESTABLISHED IN SECTION 15-1-304, C.R.S., AND THE INCOME IS AT LEAST
17 COMPARABLE TO INCOME AVAILABLE ON INVESTMENTS OR DEPOSITS
18 SPECIFIED BY SAID PART 6.

19 **24-37.9-111. Bonds eligible for investment.** ALL BANKS, TRUST
20 COMPANIES, SAVINGS AND LOAN ASSOCIATIONS, INSURANCE COMPANIES,
21 EXECUTORS, ADMINISTRATORS, GUARDIAN TRUSTEES, AND OTHER
22 FIDUCIARIES MAY LEGALLY INVEST ANY MONEYS WITHIN THEIR CONTROL
23 IN ANY BONDS ISSUED UNDER THIS ARTICLE. PUBLIC ENTITIES, AS DEFINED
24 IN SECTION 24-75-601 (1), MAY INVEST PUBLIC FUNDS IN SUCH BONDS
25 ONLY IF THE BONDS SATISFY THE INVESTMENT REQUIREMENTS
26 ESTABLISHED IN PART 6 OF ARTICLE 75 OF THIS TITLE.

27 **24-37.9-112. Proceeds as trust funds.** ALL MONEYS RECEIVED

1 PURSUANT TO THIS ARTICLE, WHETHER AS PROCEEDS FROM THE SALE OF
2 BONDS, NOTES, OR OTHER OBLIGATIONS OR AS REVENUES OR RECEIPTS,
3 SHALL BE DEEMED TO BE TRUST FUNDS TO BE HELD AND APPLIED SOLELY
4 AS PROVIDED IN THIS ARTICLE. ANY OFFICER, BANK, OR TRUST COMPANY
5 WITH WHICH SUCH MONEYS ARE DEPOSITED SHALL ACT AS TRUSTEE OF
6 SUCH MONEYS AND SHALL HOLD AND APPLY THE SAME FOR THE PURPOSES
7 OF THIS ARTICLE, SUBJECT TO SUCH REGULATIONS AS THE AUTHORITY AND
8 THE RESOLUTION AUTHORIZING THE BONDS, NOTES, OR OTHER
9 OBLIGATIONS OF ANY ISSUE OR THE TRUST AGREEMENT SECURING SUCH
10 OBLIGATIONS PROVIDES.

11

12 **SECTION 2.** 24-51-101 (20), Colorado Revised Statutes, is
13 amended to read:

14 **24-51-101. Definitions.** As used in this article, unless the context
15 otherwise requires:

16 (20) "Employer" means the state of Colorado, the general
17 assembly, any state department, board, commission, bureau, agency, or
18 institution, the Colorado association of school boards, the Colorado high
19 school activities association, the Colorado association of school
20 executives, the fire and police pension association, the special districts
21 association, the Colorado water resources and power development
22 authority, THE COLORADO SHARED SERVICES AUTHORITY, the public
23 employees' retirement association, the Colorado consortium for earth and
24 space science education, all school districts in Colorado, except, until the
25 effective date of the merger described in sections 22-64-220 (4) (a) and
26 22-64-221, C.R.S., in the city and county of Denver including a charter
27 school district, and any political subdivision, city, municipality, county,

1 housing authority, special district, library district, regional planning
2 commission, public hospital, county or district health department, state
3 university, state college, state junior college, or other public entity that is
4 affiliated with the plan.

5 **SECTION 3.** 24-77-102 (15) (b), Colorado Revised Statutes, is
6 amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

7 **24-77-102. Definitions.** As used in this article, unless the context
8 otherwise requires:

9 (15) (b) "Special purpose authority" includes, but is not limited to:

10 (XVII) THE COLORADO SHARED SERVICES AUTHORITY CREATED
11 PURSUANT TO SECTION 24-37.9-102, C.R.S.

12 **SECTION 4.** 29-1-102 (13), Colorado Revised Statutes, is
13 amended to read:

14 **29-1-102. Definitions.** As used in this part 1, unless the context
15 otherwise requires:

16 (13) "Local government" means any authority, county,
17 municipality, city and county, district, or other political subdivision of the
18 state of Colorado; any institution, department, agency, or authority of any
19 of the foregoing; and any other entity, organization, or corporation
20 formed by intergovernmental agreement or other contract between or
21 among any of the foregoing. The office of the county public trustee shall
22 be deemed an agency of the county for the purposes of this part 1. "Local
23 government" does not include the Colorado educational and cultural
24 facilities authority, the university of Colorado hospital authority,
25 collegeinvest, the Colorado health facilities authority, the Colorado
26 housing and finance authority, the Colorado agricultural development
27 authority, the Colorado sheep and wool authority, the Colorado beef

1 council authority, the Colorado horse development authority, THE
2 COLORADO SHARED SERVICES AUTHORITY, the fire and police pension
3 association, any public entity insurance or investment pool formed
4 pursuant to state law, any county or municipal housing authority, any
5 association of political subdivisions formed pursuant to section 29-1-401,
6 or any home rule city or town, home rule city and county, cities and towns
7 operating under a territorial charter, school district, or junior college
8 district.

9 **SECTION 5.** 29-1-602 (5) (b), Colorado Revised Statutes, is
10 amended to read:

11 **29-1-602. Definitions.** As used in this part 6, unless the context
12 otherwise requires:

13 (5) (b) Except for purposes of section 29-1-603 (4), "local
14 government" does not include the fire and police pension association, any
15 county or municipal housing authority, any public entity insurance pool
16 formed pursuant to state law, the Colorado sheep and wool authority, the
17 Colorado beef council authority, the Colorado horse development
18 authority, the statewide internet portal authority, THE COLORADO SHARED
19 SERVICES AUTHORITY, or any association of political subdivisions formed
20 pursuant to section 29-1-401.

21 **SECTION 6. Act subject to petition - effective date.** This act
22 shall take effect at 12:01 a.m. on the day following the expiration of the
23 ninety-day period after final adjournment of the general assembly that is
24 allowed for submitting a referendum petition pursuant to article V,
25 section 1 (3) of the state constitution, (August 5, 2009, if adjournment
26 sine die is on May 6, 2009); except that, if a referendum petition is filed
27 against this act or an item, section, or part of this act within such period,

1 then the act, item, section, or part, if approved by the people, shall take
2 effect on the date of the official declaration of the vote thereon by
3 proclamation of the governor.