



# Session Laws of Colorado 2012 Second Regular Session, 68th General Assembly

CHAPTER 125

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## EDUCATION - POSTSECONDARY

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### SENATE BILL 12-148 [\[Digest\]](#)

BY SENATOR(S) Guzman, Newell, Nicholson, King S., Aguilar, Carroll, Foster, Giron, Heath, Jahn, Johnston, Tochtrop;  
also REPRESENTATIVE(S) Duran, Hamner, Hullinghorst, Kerr A., Massey, Scott, Summers, Todd, Fields, Fischer, Kerr J.,  
Labuda, Murray, Schafer S., Solano, Vigil, Williams A.

### AN ACT

#### CONCERNING CHANGING THE NAME OF METROPOLITAN STATE COLLEGE OF DENVER TO METROPOLITAN STATE UNIVERSITY OF DENVER.

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

**SECTION 1. Legislative declaration.** (1) The general assembly hereby finds and declares that:

(a) The board of trustees of Metropolitan state college of Denver, as appointed by the governor and confirmed by the senate, has a fiduciary responsibility as the college's governing body to oversee the operation of the institution and has determined that it is in the best interests of the institution, its students, alumni, and the public to change the name of the institution to "Metropolitan state university of Denver";

(b) Changing the name of an institution steeped in tradition and history requires research, outreach, and engagement;

(c) Metropolitan state college of Denver has conducted extensive research and outreach over the past several years, and its constituents are overwhelmingly in support of a name change that reflects the maturation, expansion, and evolution of the institution;

(d) When compared with its peer institutions of higher education throughout the United States, the overwhelming majority of regional comprehensive institutions that are similar in size and scope to Metropolitan state college of Denver are known as universities; and

(e) From its inception, the mission and role of Metropolitan state college of Denver has been to serve the residents of the Denver metropolitan region, with ninety-three percent of current students coming from this region, and the institution remains strongly committed to that mission.

(2) The general assembly further finds and declares that any resources required to change the name of Metropolitan state college of Denver will not be derived from state general funds allocated to the institution.

**SECTION 2.** In Colorado Revised Statutes, **amend** 23-54-101 as follows:

**23-54-101. University established - role and mission - governance.** There is hereby established a ~~college~~ UNIVERSITY at Denver, to be known as Metropolitan state ~~college~~ UNIVERSITY of Denver, which shall be a comprehensive institution with modified open admission standards at the baccalaureate level; except that nontraditional students at the baccalaureate level who are at least twenty years of age shall only have as an admission requirement a high school diploma, a GED high school equivalency certificate, or the equivalent thereof. Metropolitan state ~~college~~ UNIVERSITY of Denver shall offer a variety of liberal arts and science, technical, and educational programs. The ~~college~~ UNIVERSITY may offer a limited number of professional programs. In furtherance of its role and mission, Metropolitan state ~~college~~ UNIVERSITY of Denver may offer master's degree programs that address the needs of its urban service area.

**SECTION 3.** In Colorado Revised Statutes, 23-54-102, **amend** (1), (3), (4), and (6) as follows:

**23-54-102. Board of trustees - creation - members - powers - duties.** (1) (a) Effective July 1, 2002, there is established the board of trustees for Metropolitan state ~~college~~ UNIVERSITY of Denver, referred to in this article as the "board of trustees", which shall consist of eleven members and shall be the governing authority for Metropolitan state ~~college~~ UNIVERSITY of Denver. The board of trustees created by this subsection (1) shall be, and is hereby declared to be, a body corporate and, as such and by the names designated in this section, may:

(I) Acquire, by purchase or lease, and hold property for the use of Metropolitan state ~~college~~ UNIVERSITY of Denver, develop and construct facilities upon the property, and dispose of the property, leasehold interests, and facilities; except that the board of trustees shall have the authority to dispose of a leasehold interest in property owned by the Auraria higher education center only to a constituent institution, as specified in section 23-70-101 (1) (b), or in connection with a sale and leaseback or other form of transaction in which Metropolitan state ~~college~~ UNIVERSITY of Denver will remain the ultimate user of the property;

(II) Be a party to all suits and contracts;

(III) Do all things necessary to carry out the provisions of this article in like manner as municipal corporations of this state, including but not limited to the power to demand, receive, hold, and use for the best interests of Metropolitan state ~~college~~ UNIVERSITY of Denver such money, lands, or other property as may be donated or devised to or for the ~~college~~ UNIVERSITY;

(IV) Without limiting the scope of any other authority, authorize, by resolution, revenue bonds and enter into other lawful financial transactions for the purpose of raising moneys for constructing or otherwise acquiring and equipping any facility or facilities necessary or useful to the accomplishment of the mission of ~~the~~ Metropolitan state ~~college~~ UNIVERSITY of Denver; and

(V) Transfer, assign, or pledge portions of its student fees, auxiliary revenues, capital facilities fees, and up to ten percent of tuition moneys to the Auraria higher education center to provide a source of repayment for revenue bonds or other loans or financial obligations incurred by the center to finance construction of an auxiliary facility, as defined in section 23-5-101.5 (2) (a), a complementary facility, as defined in section 23-70-105.5 (1), any other facility necessary or useful to the accomplishment of the mission of ~~the~~ Metropolitan state ~~college~~ UNIVERSITY of Denver, or the infrastructure necessary to support any of the types of facilities specified in this subparagraph (V).

(a.5) Nothing in this article shall authorize the board of trustees to enter into a contract for the construction of buildings or improvements that creates any debt or obligation upon the state. Buildings and improvements erected on lands controlled by the board of trustees and intended for the use of Metropolitan state ~~college~~ UNIVERSITY of Denver under the terms of this article and any leasehold interests shall be exempt from taxation as permitted by the state constitution.

(b) The trustees and their successors shall have perpetual succession, shall have a seal, may make bylaws and regulations for the well-ordering and government of Metropolitan state ~~college~~ UNIVERSITY of Denver, and may conduct the business of ~~said college~~ THE UNIVERSITY in a manner not repugnant to the constitution and laws of this state. The board of trustees shall elect from the appointed members a chairperson, whose duties and responsibilities shall be prescribed in the duly adopted

bylaws of the board of trustees. The board shall also elect a secretary and a treasurer, who are not members of the board and whose duties and responsibilities shall be prescribed in the duly adopted bylaws of the board of trustees. The staff of Metropolitan state ~~college~~ UNIVERSITY of Denver shall provide staff support for the board of trustees.

(3) A full-time junior or senior student at Metropolitan state ~~college~~ UNIVERSITY of Denver, elected by the student body at large, shall fill the tenth office as a member of the board of trustees. The term of ~~said~~ office shall be one year, beginning July 1, 2002, and beginning July 1 each year thereafter. The elected student office shall be advisory, without the right to vote and without the right to attend executive sessions of the board of trustees, as provided by section 24-6-402, C.R.S. The elected student member of the board of trustees shall have resided in the state of Colorado not fewer than three years immediately prior to election. As used in this subsection (3), "full-time student" shall have the same definition as "full-time equivalent student" used by the joint budget committee of the general assembly.

(4) A full-time member of the teaching faculty at large of Metropolitan state ~~college~~ UNIVERSITY of Denver, elected by the faculty at large, shall fill the eleventh office as a member of the board of trustees. The term of ~~said~~ office shall be one year, beginning July 1, 2002, and beginning July 1 each year thereafter. The elected faculty member of the board of trustees shall be advisory, without the right to vote and without the right to attend executive sessions of the board of trustees, as provided by section 24-6-402, C.R.S.

(6) Except as otherwise provided in this subsection (6), the powers, duties, and functions formerly performed by the trustees of the state colleges in Colorado, as said governing board existed prior to July 1, 2003, with respect to Metropolitan state ~~college~~ UNIVERSITY of Denver are hereby transferred to the board of trustees. Policies, procedures, and agreements previously approved by the trustees of the state colleges, as ~~said~~ THE governing board existed prior to July 1, 2003, and applicable to Metropolitan state ~~college~~ UNIVERSITY of Denver shall remain in force and effect unless and until changed by the board of trustees.

**SECTION 4.** In Colorado Revised Statutes, 23-54-102.5, **amend** (1) as follows:

**23-54-102.5. Tuition - repeal.** (1) For fiscal years 2011-12 through 2015-16, the board of trustees, in accordance with section 23-5-130.5, shall annually set the amount of tuition to be paid by students with in-state classification and by nonresident students who enroll in and attend Metropolitan state ~~college~~ UNIVERSITY of Denver.

**SECTION 5.** In Colorado Revised Statutes, 23-54-103, **amend** (1) and (2); and **add** (4) as follows:

**23-54-103. Board of trustees for Metropolitan state university of Denver fund - creation - control - use - repeal.** (1) Effective July 1, ~~2002~~ 2012, there is created in the state treasury the board of trustees for Metropolitan state ~~college~~ UNIVERSITY of Denver fund, referred to in this section as the "fund", which shall be under the control of and administered by the board of trustees in accordance with the provisions of this article. Except as otherwise allowed by state law, including but not limited to section 24-36-103 (2), C.R.S., all moneys received or acquired by the board of trustees or by Metropolitan state ~~college~~ UNIVERSITY of Denver shall be deposited in the fund, whether received by appropriation, grant, contract, or gift, or by sale or lease of surplus real or personal property, or by any other means, whose disposition is not otherwise provided for by law. All interest derived from the deposit and investment of moneys in the fund shall be credited to the fund. The moneys in the fund are hereby continuously appropriated to the board of trustees and shall remain in the fund and shall not be transferred or revert to the general fund of the state at the end of any fiscal year.

(2) The moneys in the fund shall remain under the control of the board of trustees and shall be used for the payment of salaries and operating expenses of the board of trustees and of Metropolitan state ~~college~~ UNIVERSITY of Denver and for the payment of any other expenses incurred by the board of trustees in carrying out its powers and duties.

(4) (a) ALL UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE BOARD OF TRUSTEES FOR METROPOLITAN STATE COLLEGE OF DENVER FUND AS OF JULY 1, 2012, SHALL BE TRANSFERRED TO THE BOARD OF TRUSTEES FOR METROPOLITAN STATE UNIVERSITY OF DENVER FUND.

(b) THIS SUBSECTION (4) IS REPEALED, EFFECTIVE JULY 1, 2013.

**SECTION 6.** In Colorado Revised Statutes, **amend** 23-54-104 as follows:

**23-54-104. The Metropolitan state university of Denver undergraduate enrichment fund - created - awards.** (1) Effective July 1, ~~2002~~ 2012, all unexpended and unencumbered moneys in the ~~state colleges undergraduate enrichment fund, created in section 23-50-113, as it existed prior to repeal,~~ METROPOLITAN STATE COLLEGE OF DENVER UNDERGRADUATE ENRICHMENT FUND AS OF JULY 1, 2012, shall be transferred to the Metropolitan state ~~college~~ UNIVERSITY of Denver undergraduate enrichment fund, which fund is hereby created in the department of higher education and is referred to in this section as the "enrichment fund". The enrichment fund shall be under the control of and administered by the board of trustees of Metropolitan state ~~college~~ UNIVERSITY OF DENVER. Any moneys credited to the enrichment fund shall remain in the enrichment fund and shall not revert to the general fund at the end of any fiscal year. Such moneys in the enrichment fund may be invested in the types of investments authorized in sections 24-36-109, 24-36-112, and 24-36-113, C.R.S. Any interest earned on the moneys in

the enrichment fund is hereby continuously appropriated for the purposes stated in subsection (2) of this section.

(2) Interest earned on moneys in the enrichment fund shall be used to fund programs to advance and enrich undergraduate education at Metropolitan state ~~college~~ UNIVERSITY of Denver. Awards for such purposes shall be granted by the board of trustees within one year after the date any moneys are credited to the fund and shall be annually granted thereafter. The board of trustees shall promulgate rules establishing the criteria to be used in granting such annual awards.

**SECTION 7.** In Colorado Revised Statutes, 23-1-108, **amend** (7) (g) (II) (I) as follows:

**23-1-108. Duties and powers of the commission with regard to systemwide planning.** (7) (g) As used in this subsection (7), unless the context otherwise requires:

(II) "State institution of higher education" means a public postsecondary institution that is governed by:

(I) The board of trustees for Metropolitan state ~~college~~ UNIVERSITY of Denver;

**SECTION 8.** In Colorado Revised Statutes, 23-1-113.3, **amend** (2) (c) as follows:

**23-1-113.3. Commission directive - basic skills courses.** (2) (c) Notwithstanding the provisions of paragraph (b) of this subsection (2), Metropolitan state ~~college~~ UNIVERSITY of Denver and the university of Colorado at Denver are prohibited from offering basic skills courses either directly or through contract with an institution specified in paragraph (a) of this subsection (2).

**SECTION 9.** In Colorado Revised Statutes, 23-5-101.5, **amend** (4) (i) introductory portion and (6) (c) as follows:

**23-5-101.5. Enterprise status of auxiliary facilities - definitions.** (4) The following auxiliary facilities shall be designated as enterprises in accordance with the requirements of this section:

(i) Metropolitan state ~~college~~ UNIVERSITY of Denver:

(6) Notwithstanding paragraph (a) of subsection (3) of this section relating to the designation of auxiliary facilities as enterprises:

(c) Any auxiliary facilities of Metropolitan state ~~college~~ UNIVERSITY of Denver that were a part of any state colleges enterprise established under law in existence prior to the establishment of the board of trustees of Metropolitan state ~~college~~ UNIVERSITY

of Denver in section 23-54-102 shall, as they relate to Metropolitan state college UNIVERSITY of Denver, be designated enterprises of the board of trustees of Metropolitan state college UNIVERSITY of Denver.

**SECTION 10.** In Colorado Revised Statutes, 23-5-101.7, **amend** (1) as follows:

**23-5-101.7. Enterprise status of institutions of higher education.** (1) As used in this section, unless the context otherwise requires, "institution of higher education" or "institution" means the Colorado state university - Pueblo, Adams state college, Colorado Mesa university, Metropolitan state college UNIVERSITY of Denver, Fort Lewis college, Western state college of Colorado, the university of northern Colorado, Colorado school of mines, the university of Colorado, Colorado state university, and all community colleges governed by the state board for community colleges and occupational education.

**SECTION 11.** In Colorado Revised Statutes, 23-5-111.4, **amend** (3) (a) as follows:

**23-5-111.4. Tuition for members of the National Guard.** (3) (a) For the purposes of this section, "designated institution of higher education" means the Colorado state university - Pueblo, Adams state college, Colorado Mesa university, Metropolitan state college UNIVERSITY of Denver, Fort Lewis college, Western state college of Colorado, all independent area vocational schools, all local district colleges, the university of northern Colorado, the university of Colorado at Boulder, the university of Colorado at Denver, the university of Colorado at Colorado Springs, Colorado state university, the Colorado school of mines, the university of Colorado health sciences center, all community colleges governed by the state board for community colleges and occupational education, and any private institution of higher education in Colorado that qualifies for the college opportunity fund pursuant to article 18 of this title and that offers an accredited certificate or degree program in homeland security. For a member of the Colorado National Guard enrolled in a private institution of higher education, tuition assistance shall be limited to the completion of the accredited certificate or degree program in homeland security and shall be provided at the discretion of the adjutant general of the department of military and veterans affairs. The tuition benefit to members of the Colorado National Guard under this subsection (3) for an accredited certificate or degree program in homeland security shall not exceed the moneys appropriated annually to the Colorado National Guard pursuant to section 23-3.3-202.

**SECTION 12.** In Colorado Revised Statutes, **amend** 23-5-117 as follows:

**23-5-117. Governing boards - delegation of personnel power.** The governing board of any state-supported institution of higher education may delegate all or part of its power over personnel matters, including the power to hire or to fire employees exempt from the personnel system, to the chief executive officer of the institution governed by such board. The governing board may authorize the chief executive

officer to delegate to other officers of the institution any power so delegated pursuant to this section. The governing board of each state-supported institution of higher education, except the university of Colorado, Colorado state university, the university of northern Colorado, the Colorado school of mines, Fort Lewis college, Adams state college, Colorado Mesa university, Western state college of Colorado, or Metropolitan state ~~college~~ UNIVERSITY of Denver, after consultation with faculty representatives chosen by the faculty, shall prepare, enact, promulgate, administer, and maintain in place policies and practices which afford due process procedures for those faculty members exempt from the state personnel system who are terminated, including terminations resulting from reductions in force.

**SECTION 13.** In Colorado Revised Statutes, 23-5-124, **amend** (6) (c) (XII) as follows:

**23-5-124. Student enrollment - prohibition - public peace and order convictions.** (6) For purposes of this section, unless the context otherwise requires:

(c) "State-supported institution of higher education" means any postsecondary institution that is governed by:

(XII) The board of trustees for Metropolitan state ~~college~~ UNIVERSITY of Denver.

**SECTION 14.** In Colorado Revised Statutes, 23-5-127, **amend** (4) (b) as follows:

**23-5-127. Unique student identifying number - social security number - prohibition.** (4) (b) Adams state college, Colorado Mesa university, Western state college, and Metropolitan state ~~college~~ UNIVERSITY of Denver shall implement the provisions of paragraph (a) of this subsection (4) on or before July 1, 2008. All other postsecondary institutions shall implement the provisions of paragraph (a) of this subsection (4) on or before July 1, 2009.

**SECTION 15.** In Colorado Revised Statutes, 23-18-102, **amend** (10) (a) (IX) as follows:

**23-18-102. Definitions.** As used in this article, unless the context otherwise requires:

(10) (a) "State institution of higher education" means a public postsecondary institution that is governed by:

(IX) The board of trustees for Metropolitan state ~~college~~ UNIVERSITY of Denver; or

**SECTION 16.** In Colorado Revised Statutes, 23-70-101, **amend** (1) (b) as follows:



**23-70-101. Legislative declaration.** (1) The general assembly hereby finds and declares that this article is necessary to:

(b) Provide for the land, physical plant, and facilities necessary to accommodate and house Metropolitan state ~~college~~ UNIVERSITY of Denver, the university of Colorado at Denver, and the community college of Denver, Auraria campus, referred to in this article as the "constituent institutions", at and within the center;

**SECTION 17.** In Colorado Revised Statutes, 23-70-102, **amend** (1) (b) as follows:

**23-70-102. Auraria board - membership - terms - oaths - voting.** (1) Effective July 1, 1989, there is hereby created a new board of directors of the Auraria higher education center, referred to in this article as the "Auraria board", which shall consist of nine members and two ex officio nonvoting members. The members of the Auraria board shall be chosen in the following manner:

(b) (I) The chief executive officers, respectively, of the regents of the university of Colorado, the board of trustees for Metropolitan state ~~college~~ UNIVERSITY of Denver, and the state board for community colleges and occupational education, or their designees, who shall be limited to the chancellor of the university of Colorado at Denver, the president of ~~the~~ Metropolitan state ~~college~~ UNIVERSITY of Denver, and the president of the community college of Denver, respectively.

(II) Three members, one appointed by, and from among the members of, each of the following boards: The state board for community colleges and occupational education, the board of trustees for Metropolitan state ~~college~~ UNIVERSITY of Denver, and the regents of the university of Colorado, each such member to serve at the pleasure of the appointing board so long as he or she is a member of the appointing board.

**SECTION 18.** In Colorado Revised Statutes, 23-70-116, **amend** (1) as follows:

**23-70-116. Auraria library - economic development data base.** (1) The library located at the center, which is administered by the university of Colorado at Denver and which serves Metropolitan state ~~college~~ UNIVERSITY of Denver and the community college of Denver, is hereby designated and shall be the site of the state economic development data base. The library shall compile data which is useful and relevant to persons concerned with economic development in the state, including but not limited to statistical and demographic profiles of Colorado communities, labor and market statistics, statutory and regulatory requirements for business formation, and such other information as will assist the creation, expansion, and relocation of business in Colorado. The library is authorized to receive and expend all moneys, public and private, tendered to it for the performance of its duties under this section. The department of local affairs shall assist the library in the performance of such duties.

**SECTION 19.** In Colorado Revised Statutes, 24-1-114, **amend** (4) (j) as follows:

**24-1-114. Department of higher education - creation.** (4) For the purposes of section 22 of article IV of the state constitution, the following are allocated to the department of higher education but shall otherwise continue to be administered as provided by law:

(j) The board of trustees for Metropolitan state ~~college~~ UNIVERSITY of Denver, created by article 54 of title 23, C.R.S.;

**SECTION 20.** In Colorado Revised Statutes, **amend** 38-2-105 as follows:

**38-2-105. Higher education governing boards have right of eminent domain.** The regents of the university of Colorado, the board of governors of the Colorado state university system for Colorado state university and Colorado state university - Pueblo, the board of trustees for Fort Lewis college, the board of trustees of the Colorado school of mines, the board of trustees for the university of northern Colorado, the board of trustees for Adams state college, the board of trustees for Colorado Mesa university, the board of trustees for Western state college of Colorado, and the board of trustees for Metropolitan state ~~college~~ UNIVERSITY of Denver have the power to acquire real property, which they may deem necessary, by the exercise of eminent domain through condemnation proceedings in accordance with law.

**SECTION 21. Effective date.** This act takes effect July 1, 2012.

**SECTION 22. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 18, 2012

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

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