

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

ENGROSSED

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

LLS NO. 12-0320.01 Jane Ritter x4342

SENATE BILL 12-148

SENATE SPONSORSHIP

Guzman, Newell, Nicholson, King S.

HOUSE SPONSORSHIP

Duran, Hamner, Hullinghorst, Kerr A., Massey, Scott, Summers, Todd

Senate Committees
Education

House Committees

A BILL FOR AN ACT

101 **CONCERNING CHANGING THE NAME OF METROPOLITAN STATE**
102 **COLLEGE OF DENVER TO METROPOLITAN STATE UNIVERSITY OF**
103 **DENVER.**

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://www.leg.state.co.us/billsummaries>.)

The bill changes the name of Metropolitan state college of Denver to Metropolitan state university of Denver and makes conforming amendments.

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
2nd Reading Unamended
February 28, 2012

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

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

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

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

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

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

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

25 (2) The general assembly further finds and declares that any
26 resources required to change the name of Metropolitan state college of

1 Denver will not be derived from state general funds allocated to the
2 institution.

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

5 **23-54-101. University established - role and mission -**
6 **governance.** There is hereby established a ~~college~~ UNIVERSITY at
7 Denver, to be known as Metropolitan state ~~college~~ UNIVERSITY of Denver,
8 which shall be a comprehensive institution with modified open admission
9 standards at the baccalaureate level; except that nontraditional students
10 at the baccalaureate level who are at least twenty years of age shall only
11 have as an admission requirement a high school diploma, a GED high
12 school equivalency certificate, or the equivalent thereof. Metropolitan
13 state ~~college~~ UNIVERSITY of Denver shall offer a variety of liberal arts and
14 science, technical, and educational programs. The ~~college~~ UNIVERSITY
15 may offer a limited number of professional programs. In furtherance of
16 its role and mission, Metropolitan state ~~college~~ UNIVERSITY of Denver
17 may offer master's degree programs that address the needs of its urban
18 service area.

19 **SECTION 3.** In Colorado Revised Statutes, 23-54-102, **amend**
20 (1), (3), (4), and (6) as follows:

21 **23-54-102. Board of trustees - creation - members - powers -**
22 **duties.** (1) (a) Effective July 1, 2002, there is established the board of
23 trustees for Metropolitan state ~~college~~ UNIVERSITY of Denver, referred to
24 in this article as the "board of trustees", which shall consist of eleven
25 members and shall be the governing authority for Metropolitan state
26 ~~college~~ UNIVERSITY of Denver. The board of trustees created by this
27 subsection (1) shall be, and is hereby declared to be, a body corporate

1 and, as such and by the names designated in this section, may:

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

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

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

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

24 (V) Transfer, assign, or pledge portions of its student fees,
25 auxiliary revenues, capital facilities fees, and up to ten percent of tuition
26 moneys to the Auraria higher education center to provide a source of
27 repayment for revenue bonds or other loans or financial obligations

1 incurred by the center to finance construction of an auxiliary facility, as
2 defined in section 23-5-101.5 (2) (a), a complementary facility, as defined
3 in section 23-70-105.5 (1), any other facility necessary or useful to the
4 accomplishment of the mission of ~~the Metropolitan state college~~
5 UNIVERSITY of Denver, or the infrastructure necessary to support any of
6 the types of facilities specified in this subparagraph (V).

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

14 (b) The trustees and their successors shall have perpetual
15 succession, shall have a seal, may make bylaws and regulations for the
16 well-ordering and government of Metropolitan state ~~college~~ UNIVERSITY
17 of Denver, and may conduct the business of ~~said college~~ THE UNIVERSITY
18 in a manner not repugnant to the constitution and laws of this state. The
19 board of trustees shall elect from the appointed members a chairperson,
20 whose duties and responsibilities shall be prescribed in the duly adopted
21 bylaws of the board of trustees. The board shall also elect a secretary and
22 a treasurer, who are not members of the board and whose duties and
23 responsibilities shall be prescribed in the duly adopted bylaws of the
24 board of trustees. The staff of Metropolitan state ~~college~~ UNIVERSITY of
25 Denver shall provide staff support for the board of trustees.

26 (3) A full-time junior or senior student at Metropolitan state
27 ~~college~~ UNIVERSITY of Denver, elected by the student body at large, shall

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

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

19 (6) Except as otherwise provided in this subsection (6), the
20 powers, duties, and functions formerly performed by the trustees of the
21 state colleges in Colorado, as said governing board existed prior to July
22 1, 2003, with respect to Metropolitan state ~~college~~ UNIVERSITY of Denver
23 are hereby transferred to the board of trustees. Policies, procedures, and
24 agreements previously approved by the trustees of the state colleges, as
25 ~~said~~ THE governing board existed prior to July 1, 2003, and applicable to
26 Metropolitan state ~~college~~ UNIVERSITY of Denver shall remain in force
27 and effect unless and until changed by the board of trustees.

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

3 **23-54-102.5. Tuition - repeal.** (1) For fiscal years 2011-12
4 through 2015-16, the board of trustees, in accordance with section
5 23-5-130.5, shall annually set the amount of tuition to be paid by students
6 with in-state classification and by nonresident students who enroll in and
7 attend Metropolitan state college UNIVERSITY of Denver.

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

10 **23-54-103. Board of trustees for Metropolitan state university**
11 **of Denver fund - creation - control - use - repeal.** (1) Effective July 1,
12 ~~2002~~ 2012, there is created in the state treasury the board of trustees for
13 Metropolitan state college UNIVERSITY of Denver fund, referred to in this
14 section as the "fund", which shall be under the control of and
15 administered by the board of trustees in accordance with the provisions
16 of this article. Except as otherwise allowed by state law, including but not
17 limited to section 24-36-103 (2), C.R.S., all moneys received or acquired
18 by the board of trustees or by Metropolitan state college UNIVERSITY of
19 Denver shall be deposited in the fund, whether received by appropriation,
20 grant, contract, or gift, or by sale or lease of surplus real or personal
21 property, or by any other means, whose disposition is not otherwise
22 provided for by law. All interest derived from the deposit and investment
23 of moneys in the fund shall be credited to the fund. The moneys in the
24 fund are hereby continuously appropriated to the board of trustees and
25 shall remain in the fund and shall not be transferred or revert to the
26 general fund of the state at the end of any fiscal year.

27 (2) The moneys in the fund shall remain under the control of the

1 board of trustees and shall be used for the payment of salaries and
2 operating expenses of the board of trustees and of Metropolitan state
3 college UNIVERSITY of Denver and for the payment of any other expenses
4 incurred by the board of trustees in carrying out its powers and duties.

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

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

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

13 **23-54-104. The Metropolitan state university of Denver**
14 **undergraduate enrichment fund - created - awards.** (1) Effective July
15 1, ~~2002~~ 2012, all unexpended and unencumbered moneys in the state
16 colleges undergraduate enrichment fund, created in section 23-50-113, as
17 it existed prior to repeal, METROPOLITAN STATE COLLEGE OF DENVER
18 UNDERGRADUATE ENRICHMENT FUND AS OF JULY 1, 2012, shall be
19 transferred to the Metropolitan state college UNIVERSITY of Denver
20 undergraduate enrichment fund, which fund is hereby created in the
21 department of higher education and is referred to in this section as the
22 "enrichment fund". The enrichment fund shall be under the control of and
23 administered by the board of trustees of Metropolitan state college
24 UNIVERSITY OF DENVER. Any moneys credited to the enrichment fund
25 shall remain in the enrichment fund and shall not revert to the general
26 fund at the end of any fiscal year. Such moneys in the enrichment fund
27 may be invested in the types of investments authorized in sections

1 24-36-109, 24-36-112, and 24-36-113, C.R.S. Any interest earned on the
2 moneys in the enrichment fund is hereby continuously appropriated for
3 the purposes stated in subsection (2) of this section.

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

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

13 **23-1-108. Duties and powers of the commission with regard to**
14 **systemwide planning.** (7) (g) As used in this subsection (7), unless the
15 context otherwise requires:

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

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

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

22 **23-1-113.3. Commission directive - basic skills courses.**

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

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

3 **23-5-101.5. Enterprise status of auxiliary facilities -**
4 **definitions.** (4) The following auxiliary facilities shall be designated as
5 enterprises in accordance with the requirements of this section:

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

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

9 (c) Any auxiliary facilities of Metropolitan state ~~college~~
10 UNIVERSITY of Denver that were a part of any state colleges enterprise
11 established under law in existence prior to the establishment of the board
12 of trustees of Metropolitan state ~~college~~ UNIVERSITY of Denver in section
13 23-54-102 shall, as they relate to Metropolitan state ~~college~~ UNIVERSITY
14 of Denver, be designated enterprises of the board of trustees of
15 Metropolitan state ~~college~~ UNIVERSITY of Denver.

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

18 **23-5-101.7. Enterprise status of institutions of higher**
19 **education.** (1) As used in this section, unless the context otherwise
20 requires, "institution of higher education" or "institution" means the
21 Colorado state university - Pueblo, Adams state college, Colorado Mesa
22 university, Metropolitan state ~~college~~ UNIVERSITY of Denver, Fort Lewis
23 college, Western state college of Colorado, the university of northern
24 Colorado, Colorado school of mines, the university of Colorado,
25 Colorado state university, and all community colleges governed by the
26 state board for community colleges and occupational education.

27 **SECTION 11.** In Colorado Revised Statutes, 23-5-111.4, **amend**

1 (3) (a) as follows:

2 **23-5-111.4. Tuition for members of the National Guard.**

3 (3) (a) For the purposes of this section, "designated institution of higher
4 education" means the Colorado state university - Pueblo, Adams state
5 college, Colorado Mesa university, Metropolitan state college UNIVERSITY
6 of Denver, Fort Lewis college, Western state college of Colorado, all
7 independent area vocational schools, all local district colleges, the
8 university of northern Colorado, the university of Colorado at Boulder,
9 the university of Colorado at Denver, the university of Colorado at
10 Colorado Springs, Colorado state university, the Colorado school of
11 mines, the university of Colorado health sciences center, all community
12 colleges governed by the state board for community colleges and
13 occupational education, and any private institution of higher education in
14 Colorado that qualifies for the college opportunity fund pursuant to article
15 18 of this title and that offers an accredited certificate or degree program
16 in homeland security. For a member of the Colorado National Guard
17 enrolled in a private institution of higher education, tuition assistance
18 shall be limited to the completion of the accredited certificate or degree
19 program in homeland security and shall be provided at the discretion of
20 the adjutant general of the department of military and veterans affairs.
21 The tuition benefit to members of the Colorado National Guard under this
22 subsection (3) for an accredited certificate or degree program in homeland
23 security shall not exceed the moneys appropriated annually to the
24 Colorado National Guard pursuant to section 23-3.3-202.

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

27 **23-5-117. Governing boards - delegation of personnel**

1 **power.** The governing board of any state-supported institution of higher
2 education may delegate all or part of its power over personnel matters,
3 including the power to hire or to fire employees exempt from the
4 personnel system, to the chief executive officer of the institution
5 governed by such board. The governing board may authorize the chief
6 executive officer to delegate to other officers of the institution any power
7 so delegated pursuant to this section. The governing board of each
8 state-supported institution of higher education, except the university of
9 Colorado, Colorado state university, the university of northern Colorado,
10 the Colorado school of mines, Fort Lewis college, Adams state college,
11 Colorado Mesa university, Western state college of Colorado, or
12 Metropolitan state college UNIVERSITY of Denver, after consultation with
13 faculty representatives chosen by the faculty, shall prepare, enact,
14 promulgate, administer, and maintain in place policies and practices
15 which afford due process procedures for those faculty members exempt
16 from the state personnel system who are terminated, including
17 terminations resulting from reductions in force.

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

20 **23-5-124. Student enrollment - prohibition - public peace and**
21 **order convictions.** (6) For purposes of this section, unless the context
22 otherwise requires:

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

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

27 **SECTION 14.** In Colorado Revised Statutes, 23-5-127, **amend**

1 (4) (b) as follows:

2 **23-5-127. Unique student identifying number - social security**
3 **number - prohibition.** (4) (b) Adams state college, Colorado Mesa
4 university, Western state college, and Metropolitan state college
5 UNIVERSITY of Denver shall implement the provisions of paragraph (a) of
6 this subsection (4) on or before July 1, 2008. All other postsecondary
7 institutions shall implement the provisions of paragraph (a) of this
8 subsection (4) on or before July 1, 2009.

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

11 **23-18-102. Definitions.** As used in this article, unless the context
12 otherwise requires:

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

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

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

19 **23-70-101. Legislative declaration.** (1) The general assembly
20 hereby finds and declares that this article is necessary to:

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

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

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

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

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

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

23 **23-70-116. Auraria library - economic development data base.**
24 (1) The library located at the center, which is administered by the
25 university of Colorado at Denver and which serves Metropolitan state
26 ~~college~~ UNIVERSITY of Denver and the community college of Denver, is
27 hereby designated and shall be the site of the state economic development

1 data base. The library shall compile data which is useful and relevant to
2 persons concerned with economic development in the state, including but
3 not limited to statistical and demographic profiles of Colorado
4 communities, labor and market statistics, statutory and regulatory
5 requirements for business formation, and such other information as will
6 assist the creation, expansion, and relocation of business in Colorado. The
7 library is authorized to receive and expend all moneys, public and private,
8 tendered to it for the performance of its duties under this section. The
9 department of local affairs shall assist the library in the performance of
10 such duties.

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

13 **24-1-114. Department of higher education - creation.** (4) For
14 the purposes of section 22 of article IV of the state constitution, the
15 following are allocated to the department of higher education but shall
16 otherwise continue to be administered as provided by law:

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

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

21 **38-2-105. Higher education governing boards have right of**
22 **eminent domain.** The regents of the university of Colorado, the board
23 of governors of the Colorado state university system for Colorado state
24 university and Colorado state university - Pueblo, the board of trustees for
25 Fort Lewis college, the board of trustees of the Colorado school of mines,
26 the board of trustees for the university of northern Colorado, the board of
27 trustees for Adams state college, the board of trustees for Colorado Mesa

1 university, the board of trustees for Western state college of Colorado,
2 and the board of trustees for Metropolitan state college UNIVERSITY of
3 Denver have the power to acquire real property, which they may deem
4 necessary, by the exercise of eminent domain through condemnation
5 proceedings in accordance with law.

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

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