

Second Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO

**REENGROSSED**

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

LLS NO. 12-0320.01 Jane Ritter x4342

**SENATE BILL 12-148**

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**A BILL FOR AN ACT**

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

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**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  
3rd Reading Unam ended  
February 29, 2012

SENATE  
2nd Reading Unam ended  
February 28, 2012

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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.