After consideration on the merits, the Committee recommends the following:

SB21-116 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend printed bill, page 4, line 12, after "mascots" insert "-exemptions".

Page 5, strike line 1 and substitute:
"(2) (a) EXCEPT AS PROVIDED FOR IN SUBSECTION (2)(b) OF THIS SECTION, ON OR AFTER JUNE 1, 2022, A PUBLIC SCHOOL IN THE STATE IS"

Page 5, after line 5, insert:
"(b) THE PROHIBITION SET FORTH IN SUBSECTION (2)(a) OF THIS SECTION DOES NOT APPLY TO:
   (I) ANY AGREEMENT THAT EXISTS PRIOR TO JUNE 30, 2021, BETWEEN A FEDERALLY RECOGNIZED INDIAN TRIBE AND A PUBLIC SCHOOL. A PUBLIC SCHOOL THAT IS A PARTY TO SUCH AN AGREEMENT IS HELD TO A HIGH STANDARD AND EXPECTED TO HONOR THE AGREEMENT. THE FEDERALLY RECOGNIZED INDIAN TRIBE HAS THE RIGHT AND ABILITY TO REVOKE ANY SUCH AGREEMENT AT ANY TIME AT ITS DISCRETION.
   (II) ANY PUBLIC SCHOOL THAT IS OPERATED BY A FEDERALLY RECOGNIZED INDIAN TRIBE OR WITH THE APPROVAL OF A FEDERALLY RECOGNIZED INDIAN TRIBE AND EXISTING WITHIN THE BOUNDARIES OF SUCH TRIBE'S RESERVATION.
   (III) (A) THE ABILITY OF ANY FEDERALLY RECOGNIZED INDIAN TRIBE TO CREATE AND MAINTAIN A RELATIONSHIP OR AGREEMENT WITH A PUBLIC SCHOOL THAT FOSTERS GOODWILL, EMPHASIZES EDUCATION AND SUPPORTS A CURRICULUM THAT TEACHES AMERICAN INDIAN HISTORY,
AND ENCOURAGES A POSITIVE CULTURAL EXCHANGE. SUCH
RELATIONSHIPS AND AGREEMENTS MAY INCLUDE IMPORTANT HISTORICAL
FIGURES, NAMES, IMAGERY, TRIBAL NAMES, AND MORE.

(B) ANY SUCH AGREEMENT ENTERED INTO BETWEEN A PUBLIC
SCHOOL AND A FEDERALLY RECOGNIZED INDIAN TRIBE AFTER JUNE 30,
2021, MUST BE MADE IN CONSULTATION WITH THE FEDERALLY
RECOGNIZED INDIAN TRIBE AND ONLY IF SUCH TRIBE WISHES TO ENTER
INTO THE AGREEMENT. THE AGREEMENT MAY ALLOW THE PUBLIC SCHOOL
TO USE AN AMERICAN INDIAN MASCOT, BUT ONLY IF THE AMERICAN
INDIAN MASCOT IS SPECIFICALLY NAMED AFTER THE FEDERALLY
RECOGNIZED INDIAN TRIBE THAT IS A PARTY TO THE AGREEMENT. IN ANY
SUCH AGREEMENT, THE TRIBAL NAME USED IS SELECTED AT THE
DISCRETION OF THE FEDERALLY RECOGNIZED INDIAN TRIBE THAT IS A
PARTY TO THE AGREEMENT. ANY FEDERALLY RECOGNIZED INDIAN TRIBE
THAT HAS ENTERED INTO SUCH AN AGREEMENT HAS THE RIGHT AND
ABILITY TO REVOKE ANY SUCH AGREEMENT AT ANY TIME AT ITS
DISCRETION.

(C) FOR THE PURPOSES OF THIS SECTION, A "FEDERALLY
RECOGNIZED INDIAN TRIBE" IS ONE OF THE FORTY-EIGHT CONTEMPORARY
TRIBES WITH TIES TO COLORADO, DEVELOPED BY HISTORY COLORADO IN
PARTNERSHIP WITH THE COLORADO COMMISSION OF INDIAN AFFAIRS. THIS
LIST MAY CHANGE OVER TIME BUT IS THE OFFICIAL LIST TO BE USED FOR
THE PURPOSES OF THIS SECTION.."

Page 5, line 15, after "mascots" insert "- exemptions".

Page 5, strike line 26 and substitute:
"(2) (a) EXCEPT AS PROVIDED FOR IN SUBSECTION (2)(b) OF THIS
SECTION, ON OR AFTER JUNE 1, 2022, A PUBLIC INSTITUTION OF HIGHER"

Page 6, after line 3, insert:
"(b) THE PROHIBITION SET FORTH IN SUBSECTION (2)(a) OF THIS
SECTION DOES NOT APPLY TO:

(I) ANY AGREEMENT THAT EXISTS PRIOR TO JUNE 30, 2021,
BETWEEN A FEDERALLY RECOGNIZED INDIAN TRIBE AND A PUBLIC
INSTITUTION OF HIGHER EDUCATION. A PUBLIC INSTITUTION OF HIGHER
EDUCATION THAT IS A PARTY TO SUCH AN AGREEMENT IS HELD TO A HIGH
STANDARD AND EXPECTED TO HONOR THE AGREEMENT. THE FEDERALLY
RECOGNIZED INDIAN TRIBE HAS THE RIGHT AND ABILITY TO REVOKE ANY
SUCH AGREEMENT AT ANY TIME AT ITS DISCRETION.

(II) ANY PUBLIC INSTITUTION OF HIGHER EDUCATION THAT IS
OPERATED BY A FEDERALLY RECOGNIZED INDIAN TRIBE OR WITH THE
APPROVAL OF A FEDERALLY RECOGNIZED INDIAN TRIBE AND EXISTING
WITHIN THE BOUNDARIES OF SUCH TRIBE’S RESERVATION.”.

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