

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 10-0651.01 Richard Sweetman

SENATE BILL 10-107

SENATE SPONSORSHIP

Williams, Bacon, Heath, Spence, Steadman, Tapia

HOUSE SPONSORSHIP

Todd, Ryden, Merrifield, Schafer S., Solano

Senate Committees
Education

House Committees

A BILL FOR AN ACT

101 CONCERNING THE USE OF AMERICAN INDIAN MASCOTS BY PUBLIC
102 HIGH SCHOOLS.

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 requires each public high school of a school district and each institute charter high school that uses an American Indian mascot to either cease using the American Indian mascot or obtain approval for the continued use of the American Indian mascot or another American Indian mascot from the Colorado commission of Indian affairs (commission) on

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.

or before July 1, 2013. Each school district that includes a high school that uses an American Indian mascot, and the state charter school institute, are required to notify each such high school of the provisions of the act and notify the commission of each such high school's use of an American Indian mascot on or before January 1, 2011. The commission will evaluate the use of American Indian mascots by public high schools of school districts and institute charter high schools and either grant or deny approval of such use.

For each month in which a public high school of a school district uses an American Indian mascot after July 1, 2013, without obtaining approval from the commission, the school district shall pay a fine of \$1000 to the state treasurer, who shall credit the same to the state education fund.

For each month in which an institute charter high school uses an American Indian mascot after July 1, 2013, without obtaining approval from the commission, the state charter school institute shall pay a fine of \$1000 to the state treasurer, who shall credit the same to the state education fund.

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

2 **SECTION 1.** Article 1 of title 22, Colorado Revised Statutes, is
3 amended BY THE ADDITION OF A NEW SECTION to read:

4 **22-1-128. Use of American Indian mascots - definitions -**
5 **notice - approval by commission.** (1) AS USED IN THIS SECTION, UNLESS
6 THE CONTEXT OTHERWISE REQUIRES:

7 (a) "AMERICAN INDIAN MASCOT" MEANS A NAME, SYMBOL, OR
8 IMAGE THAT DEPICTS OR REFERS TO AN AMERICAN INDIAN TRIBE,
9 INDIVIDUAL, CUSTOM, OR TRADITION.

10 (b) "COMMISSION" MEANS THE COLORADO COMMISSION OF INDIAN
11 AFFAIRS ESTABLISHED IN SECTION 24-44-102, C.R.S.

12 (c) "INSTITUTE CHARTER HIGH SCHOOL" MEANS A CHARTER
13 SCHOOL AUTHORIZED BY THE STATE CHARTER SCHOOL INSTITUTE
14 PURSUANT TO PART 5 OF ARTICLE 30.5 OF THIS TITLE AND SERVING ANY OF
15 GRADES NINE THROUGH TWELVE.

1 (d) "PUBLIC HIGH SCHOOL OF A SCHOOL DISTRICT" MEANS:

2 (I) A SCHOOL OF A SCHOOL DISTRICT THAT SERVES ANY OF GRADES
3 NINE THROUGH TWELVE; AND

4 (II) A CHARTER SCHOOL OF A SCHOOL DISTRICT THAT SERVES ANY
5 OF GRADES NINE THROUGH TWELVE.

6 (2) ON AND AFTER JULY 1, 2013, THE USE OF AN AMERICAN INDIAN
7 MASCOT BY A PUBLIC HIGH SCHOOL OF A SCHOOL DISTRICT OR BY AN
8 INSTITUTE CHARTER HIGH SCHOOL IS PROHIBITED; EXCEPT THAT A PUBLIC
9 HIGH SCHOOL OF A SCHOOL DISTRICT OR AN INSTITUTE CHARTER HIGH
10 SCHOOL THAT OBTAINS APPROVAL FROM THE COMMISSION PURSUANT TO
11 SUBSECTION (4) OF THIS SECTION MAY USE AN AMERICAN INDIAN MASCOT.

12 (3) (a) ON OR BEFORE JANUARY 1, 2011, EACH SCHOOL DISTRICT
13 THAT INCLUDES A PUBLIC HIGH SCHOOL THAT USES AN AMERICAN INDIAN
14 MASCOT SHALL:

15 (I) NOTIFY EACH SUCH HIGH SCHOOL OF THE PROVISIONS OF THIS
16 SECTION; AND

17 (II) NOTIFY THE COMMISSION OF EACH SUCH HIGH SCHOOL'S USE
18 OF AN AMERICAN INDIAN MASCOT.

19 (b) ON OR BEFORE JANUARY 1, 2011, THE STATE CHARTER SCHOOL
20 INSTITUTE ESTABLISHED IN SECTION 22-30.5-504 SHALL:

21 (I) NOTIFY EACH INSTITUTE CHARTER HIGH SCHOOL THAT USES AN
22 AMERICAN INDIAN MASCOT OF THE PROVISIONS OF THIS SECTION; AND

23 (II) NOTIFY THE COMMISSION OF EACH INSTITUTE CHARTER HIGH
24 SCHOOL'S USE OF AN AMERICAN INDIAN MASCOT.

25 (4) ON OR BEFORE JULY 1, 2013, EACH PUBLIC HIGH SCHOOL OF A
26 SCHOOL DISTRICT AND EACH INSTITUTE CHARTER HIGH SCHOOL THAT USES
27 AN AMERICAN INDIAN MASCOT SHALL:

1 (a) CEASE USING THE AMERICAN INDIAN MASCOT; OR

2 (b) OBTAIN APPROVAL FROM THE COMMISSION FOR THE
3 CONTINUED USE OF THE AMERICAN INDIAN MASCOT OR ANOTHER
4 AMERICAN INDIAN MASCOT.

5 (5) (a) FOR EACH MONTH IN WHICH A PUBLIC HIGH SCHOOL OF A
6 SCHOOL DISTRICT USES AN AMERICAN INDIAN MASCOT AFTER JULY 1,
7 2013, WITHOUT OBTAINING APPROVAL FROM THE COMMISSION PURSUANT
8 TO PARAGRAPH (b) OF SUBSECTION (4) OF THIS SECTION, THE SCHOOL
9 DISTRICT SHALL PAY A FINE OF ONE THOUSAND DOLLARS TO THE STATE
10 TREASURER, WHO SHALL CREDIT THE MONEYS RECEIVED TO THE STATE
11 EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE
12 STATE CONSTITUTION.

13 (b) FOR EACH MONTH IN WHICH AN INSTITUTE CHARTER HIGH
14 SCHOOL USES AN AMERICAN INDIAN MASCOT AFTER JULY 1, 2013,
15 WITHOUT OBTAINING APPROVAL FROM THE COMMISSION PURSUANT TO
16 PARAGRAPH (b) OF SUBSECTION (4) OF THIS SECTION, THE STATE CHARTER
17 SCHOOL INSTITUTE SHALL PAY A FINE OF ONE THOUSAND DOLLARS TO THE
18 STATE TREASURER, WHO SHALL CREDIT THE MONEYS RECEIVED TO THE
19 STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF
20 THE STATE CONSTITUTION.

21 **SECTION 2.** 24-44-103 (1) (k), Colorado Revised Statutes, is
22 amended, and the said 24-44-103 (1) is further amended BY THE
23 ADDITION OF A NEW PARAGRAPH, to read:

24 **24-44-103. Duties of commission.** (1) It is the duty of the
25 commission:

26 (k) To make and publish reports of findings and
27 recommendations; AND

1 (1) TO EVALUATE THE USE OF AMERICAN INDIAN MASCOTS BY
2 PUBLIC HIGH SCHOOLS OF SCHOOL DISTRICTS AND INSTITUTE CHARTER
3 HIGH SCHOOLS AND GRANT OR DENY APPROVAL OF SUCH USE AS
4 DESCRIBED IN SECTION 22-1-128, C.R.S.

5 **SECTION 3. Act subject to petition - effective date.** This act
6 shall take effect at 12:01 a.m. on the day following the expiration of the
7 ninety-day period after final adjournment of the general assembly (August
8 11, 2010, if adjournment sine die is on May 12, 2010); except that, if a
9 referendum petition is filed pursuant to section 1 (3) of article V of the
10 state constitution against this act or an item, section, or part of this act
11 within such period, then the act, item, section, or part shall not take effect
12 unless approved by the people at the general election to be held in
13 November 2010 and shall take effect on the date of the official
14 declaration of the vote thereon by the governor.