

1 **SENATE FLOOR VERSION**

2 April 7, 2016

3 **AS AMENDED**

4 ENGROSSED HOUSE

5 BILL NO. 2261

6 By: Hoskin, Sherrer, Proctor
7 and Billy of the House

8 and

9 Sparks and Dossett of the
10 Senate

11 **[American Indian arts and crafts - American Indian
12 Arts and Crafts Sales Act of 1974 -**

13 **emergency]**

14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

15 SECTION 1. AMENDATORY 78 O.S. 2011, Section 73, is
16 amended to read as follows:

17 Section 73. As used in ~~this act~~ the American Indian Arts and
18 Crafts Sales Act of 1974, unless the context otherwise requires, the
19 following terms or phrases shall have the following meanings:

20 1. "American Indian tribe" means any Indian tribe, ~~organized~~
21 ~~band or pueblo, which is domiciled in the United States~~ federally
22 recognized by the Bureau of Indian Affairs of the United States
23 Department of the Interior;

24 2. "American Indian" means a person who is a citizen or is an
~~enrolled or who is a lineal descendant of one enrolled upon an~~

1 ~~enrollment listing of the Bureau of Indian Affairs or upon the~~
2 ~~enrollment listing of a recognized member of an American Indian~~
3 ~~tribe, band or pueblo;~~

4 3. "Imitation American Indian arts and crafts" means any basic
5 article purporting to be of American Indian style, make, origin or
6 design which is not made by American Indian labor and workmanship;

7 4. "Authentic American Indian arts and crafts" means any
8 article of American Indian style, make, origin or design which is
9 made wholly or in part by American Indian labor and workmanship to
10 include, but not be limited to, any Kachina doll, rosette, necklace,
11 choker, barrette, hair tie, medallion, pin, pendant, bolo tie, belt,
12 belt buckle, cuff links, tie clasp, tie bar, ring, earring, purse,
13 blanket, shawl, moccasin, drum ~~or~~, pottery or any visual or
14 performing arts or literature which is not an imitation American
15 Indian art or craft; and

16 5. "Merchant" means any person engaged in the sale to the
17 public of imitation American Indian arts and crafts or authentic
18 American Indian arts and crafts.

19 SECTION 2. AMENDATORY 78 O.S. 2011, Section 74, is
20 amended to read as follows:

21 Section 74. It is unlawful to distribute, trade, sell or offer
22 for sale or trade within this state any article represented as being
23 made by American Indians unless the article actually is made or
24 assembled by American Indian labor or workmanship; ~~provided that~~

1 ~~all.~~ All articles purporting to be of silver shall be made of coin
2 or sterling silver.

3 SECTION 3. AMENDATORY 78 O.S. 2011, Section 75, is
4 amended to read as follows:

5 Section 75. Any merchant who knowingly and willfully tags or
6 labels any article as being an American Indian art or craft when it
7 does not meet the specifications of ~~this act~~ the American Indian
8 Arts and Crafts Sales Act of 1974 shall be guilty of violating the
9 provisions of the ~~American Indian Arts and Crafts Sales Act~~ and
10 shall be punished by a fine of not less than Twenty-five Dollars
11 (\$25.00) nor more than Two Hundred Dollars (\$200.00), or by
12 imprisonment for not less than thirty (30) days nor more than ninety
13 (90) days, or by both such fine and imprisonment.

14 ~~SECTION 4. It being immediately necessary for the preservation~~
15 ~~of the public peace, health and safety, an emergency is hereby~~
16 ~~declared to exist, by reason whereof this act shall take effect and~~
17 ~~be in full force from and after its passage and approval.~~

18 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND COMMERCE
19 April 7, 2016 - DO PASS AS AMENDED
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