

1 ENGROSSED SENATE AMENDMENT  
TO  
2 ENGROSSED HOUSE  
BILL NO. 2261

By: Hoskin, Sherrer and Proctor  
of the House

and

Sparks of the Senate

8 An Act relating to American Indian arts and crafts;  
amending 78 O.S. 2011, Sections 73, 74 and 75, which  
9 relate to the American Indian Arts and Crafts Sales  
Act of 1974; clarifying statutory language; modifying  
10 definitions; and declaring an emergency.

13 AUTHOR: Add the following Senate Coauthor: Dossett

14 AUTHORS: Add the following House Coauthors: Billy and Kirby

15 AMENDMENT NO. 1. Page 1, strike the title to read

16 "[ American Indian arts and crafts - American Indian  
17 Arts and Crafts Sales Act of 1974 -  
18 emergency ]"

1 Passed the Senate the 20th day of April, 2016.

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3 \_\_\_\_\_  
4 Presiding Officer of the Senate

5 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
6 2016.

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8 \_\_\_\_\_  
9 Presiding Officer of the House  
10 of Representatives

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9 relate to the American Indian Arts and Crafts Sales  
10 Act of 1974; clarifying statutory language; modifying  
11 definitions; and declaring an emergency.

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

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

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

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

22 2. "American Indian" means a person who is a citizen or is an  
23 ~~enrolled or who is a lineal descendant of one enrolled upon an~~  
24 ~~enrollment listing of the Bureau of Indian Affairs or upon the~~

1 ~~enrollment listing of a recognized~~ member of an American Indian  
2 ~~tribe, band or pueblo;~~

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

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

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

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

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

24

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.

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1 Passed the House of Representatives the 7th day of March, 2016.

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3 \_\_\_\_\_  
4 Presiding Officer of the House  
of Representatives

5 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2016.

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8 \_\_\_\_\_  
9 Presiding Officer of the Senate