

1 **CITY OF SANTA FE, NEW MEXICO**

2 **RESOLUTION NO. 2009-91**

3 **INTRODUCED BY:**

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5 **Councilor Calvert**
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11 **A RESOLUTION**

12 **SUPPORTING LEGISLATIVE EFFORTS TO AMEND THE NEW MEXICO INDIAN**
13 **ARTS AND CRAFTS SALES ACT IN ORDER TO INCREASE PENALTIES FOR**
14 **VIOLATIONS OF THE ACT.**
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16 **WHEREAS**, the purpose of the Indian Arts and Crafts Sales Act (Section 30-33-1
17 NMSA 1978) is to protect the public and the Indian craftsman under the police powers of the
18 state from false representation in the sale, trade, purchase or offering for sale of Indian arts and
19 crafts; and

20 **WHEREAS**, according to the Act it is unlawful to barter, trade, sell or offer for sale or
21 trade any article represented as produced by an Indian unless the article is produced, designed or
22 created by the labor or workmanship of an Indian; and

23 **WHEREAS**, persons violating the Act (Section 30-33-9 NMSA 1978) are guilty of a
24 petty misdemeanor if the violation involves property valued at less than \$2500; guilty of a
25 misdemeanor if the violation involves property valued between \$2500 and \$20,000; and guilty of

1 a fourth degree felony if the violation involves property valued over \$20,000; and

2 **WHEREAS**, these penalties are significantly less than the penalties for general fraud
3 (Section 30-16-6 NMSA 1978) that would correspondingly be fourth, third and second degree
4 felonies; and

5 **WHEREAS**, the city of Santa Fe's reputation as a world famous center for the sale of
6 authentic Indian Arts and Crafts is essential to the city's economic and cultural well-being; and

7 **WHEREAS**, the Indian Arts and Crafts Association along with the Santa Fe Downtown
8 Merchants Association are pushing for tougher penalties for persons misrepresenting Indian arts
9 and crafts in order to protect the authenticity of handmade Indian arts and crafts; and

10 **WHEREAS**, the Governing Body agrees that violations of the Indian Arts and Crafts Act
11 should be much more consistent with the penalties for general fraud set forth in state statutes.

12 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
13 **CITY OF SANTA FE** that the Governing Body supports legislative efforts to amend the New
14 Mexico Indian Arts and Crafts Sales Act in order to increase penalties for violations of the Act.

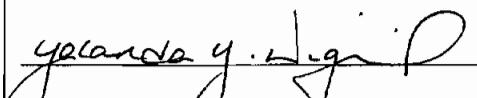
15 **BE IT FURTHER RESOLVED** that the City Clerk is directed to give a copy of this
16 resolution to the city's lobbyist and state legislative delegation, the Attorney General, and the
17 Indian Arts and Crafts Association along with the Santa Fe Downtown Merchants Association.

18 PASSED, APPROVED, and ADOPTED this 30th day of September, 2009.

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21 DAVID COSS, MAYOR

22 ATTEST:

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25 YOLANDA Y. VIGIL, CITY CLERK

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APPROVED AS TO FORM:



FRANK D. KATZ, CITY ATTORNEY