

SENATE BILL NO. 300

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY SENATOR LINCOLN

Introduced: 2/19/02
Referred: Labor and Commerce

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to Native handicrafts and other articles made in the state."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 *** Section 1.** AS 45.50.471(b) is amended by adding a new paragraph to read:

4 (43) knowingly violating AS 45.65.062 - 45.65.068 (Native
5 handicrafts and other articles made in the state); in this paragraph, "knowingly" has
6 the meaning given in AS 11.81.900.

7 *** Sec. 2.** AS 45.65.020 is amended to read:

8 **Sec. 45.65.020. Administration of chapter.** (a) The commissioner of
9 community and economic development is responsible for the administration of the
10 provisions of AS 45.65.010 - 45.65.070 relating to the emblem that is authorized under
11 AS 45.65.010(b), including

12 (1) the supervision of the use of the emblem;

13 (2) subject to AS 45.65.030(c), the design, issuance, and control of
14 emblems;

15 (3) the issuance of permits to agents to issue permits to use the

1 emblems; and

2 (4) the enforcement of **the provisions of** AS 45.65.010 - 45.65.070
3 **relating to** [REGARDING] the emblem authorized under AS 45.65.010(b).

4 (b) The Alaska State Council on the Arts (AS 44.27.040) is responsible for the
5 administration of the provisions of AS 45.65.010 - 45.65.070 relating to the
6 identification seal for authentic Native handicrafts made in the state, including

7 (1) subject to AS 45.65.030(a), the design, method of affixing,
8 preparation, issuance, and control of identification seals;

9 (2) the issuance of permits to agents to distribute the seals;

10 (3) the supervision of the use of the seals; [AND]

11 (4) **the design, production, and availability of a poster under**
12 **AS 45.65.062;**

13 **(5) the preparation and availability of a certificate of origin under**
14 **AS 45.65.064; and**

15 **(6)** the enforcement of **the provisions of** AS 45.65.010 - 45.65.070
16 **relating to** [REGARDING] the identification seals.

17 * **Sec. 3.** AS 45.65 is amended by adding new sections to read:

18 **Sec. 45.65.062. Display of poster.** (a) A person, except the person who
19 makes the handicraft, who sells or offers to sell at retail in the course of business an
20 authentic Native handicraft shall display a poster that complies with (b) of this section
21 in a prominent place on the sales premises.

22 (b) The council shall design and produce the poster required by (a) of this
23 section and make the poster available without charge to the persons required to display
24 the poster. The poster must be at least 11 inches by 17 inches in size and contain

25 (1) the following text: "Buy smart. To be assured that you are buying
26 authentic Native handicrafts, look for the silver hand seal. The silver hand seal
27 guarantees you that the article on which it appears was handcrafted by an Alaska
28 Eskimo, Aleut, or Indian person. If an article does not display this seal, there is no
29 guarantee that it was made in Alaska by an Alaska Native. Ask for a certificate of
30 origin with the sale of every Native handicraft that has a price of \$100 or more; the
31 certificate is required by AS 45.65.064. Report complaints to the Alaska State

1 Council on the Arts"; and the address and phone number of the council;

2 (2) a copy of the identification seal described in AS 45.65.030(a); and

3 (3) a copy of the seal of the state.

4 (c) In (a) of this section, "sells or offers to sell" includes selling or offering to
5 sell at bazaars and trade shows.

6 **Sec. 45.65.064. Certificates of origin.** (a) A person who makes an authentic
7 Native handicraft may not sell the handicraft for \$100 or more in the course of
8 business at retail or at wholesale unless the person provides the buyer with a written
9 certificate of origin that complies with (c) of this section.

10 (b) A person other than the person who made the handicraft may not sell an
11 authentic Native handicraft for \$100 or more in the course of business at retail or at
12 wholesale unless the seller provides the buyer with a written certificate of origin that
13 complies with (c) of this section.

14 (c) The council shall prepare a form for the certificate of origin required under
15 this section and make the form available without charge to persons required to provide
16 certificates of origin under (a) or (b) of this section. The certificate of origin must

17 (1) state that

18 (A) the person who made the handicraft is a Native and that
19 "Native" is defined in AS 45.65.070;

20 (B) all materials used to produce the handicraft are legal for the
21 buyer to possess in the United States;

22 (C) a completed copy of the certificate must be provided with
23 the sale of every authentic Native handicraft that is sold by the maker of the
24 handicraft for \$100 or more, or that is sold by another person for \$100 or more;
25 and

26 (2) provide

27 (A) the legal name of the person who made the handicraft, and
28 any business or assumed names used by the person when producing or
29 marketing the handicraft;

30 (B) a description of the handicraft, including the primary
31 materials used, and where the item was produced; and

1 (C) the printed name and original signature of the person who
2 made the handicraft.

3 (d) A completed certificate of origin must be legible and the information
4 provided must be accurate and complete.

5 (e) A seller who is not the maker of the handicraft being sold is not
6 responsible for the accuracy of the contents of the certificate of origin provided under
7 this section.

8 **Sec. 45.65.066. Alteration of article entitled to a seal or emblem.** A person,
9 other than the person who made the article, may not, in the course of the person's
10 business, add to, subtract from, or otherwise alter an article entitled to a seal or
11 emblem if the article has been signed by the maker or if an identification seal or
12 emblem has been attached to the article under AS 45.65.010.

13 **Sec. 45.65.068. Removal of identification seal or emblem.** Unless the
14 person made the article or purchased the article for the person's personal use, a person
15 may not remove an identification seal or emblem authorized under AS 45.65.010 from
16 an article entitled to a seal or emblem if the seal or emblem has been placed on the
17 article by the person who made the article.

18 * **Sec. 4.** AS 45.65.070 is amended by adding new paragraphs to read:

19 (6) "article entitled to a seal or emblem" means an

20 (A) authentic Native handicraft; or

21 (B) article that is eligible for an emblem under
22 AS 45.65.010(b);

23 (7) "knowingly" has the meaning given in AS 11.81.900.