

HOUSE BILL NO. 161

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE LEDOUX

Introduced: 2/28/07

Referred: House Special Committee on Economic Development, Trade, and Tourism, Health, Education and Social Services

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to identification seals for certain articles created or crafted in the state**
2 **by Alaska Native persons; relating to the Alaska State Council on the Arts; and making**
3 **certain identification seal violations unfair trade practices."**

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

5 * **Section 1.** AS 44.27.050 is amended to read:

6 **Sec. 44.27.050. Duties of council.** The duties of the council are

7 (1) to stimulate and encourage throughout the state the study and
8 presentation of the performing, visual, and fine arts and public interest and
9 participation;

10 (2) to make surveys, which are considered advisable, of public and
11 private institutions engaged in the state in artistic and cultural activities, including but
12 not limited to music, theatre, dance, painting, sculpture, architecture, and allied arts
13 and crafts, and to make recommendations concerning appropriate methods to
14 encourage participation in and appreciation of the arts to meet the legitimate needs and

1 aspirations of persons in all parts of the state;

2 (3) to take steps necessary and appropriate to encourage public interest
3 in the cultural heritage of the state and to expand the state's cultural resources;

4 (4) to encourage and assist freedom of artistic expression essential for
5 the well being of the arts;

6 (5) to manage the art in public places fund;

7 (6) to administer the provisions of AS 45.65 relating to [THE]
8 identification seals [SEAL] for authentic Alaska Native art created or crafted
9 [HANDICRAFTS MADE] in the state and adopt regulations to carry out those
10 provisions.

11 * **Sec. 2.** AS 45.50.471(b) is amended by adding a new paragraph to read:

12 (52) violating AS 45.65.055 (authentic Alaska Native art identification
13 seals).

14 * **Sec. 3.** AS 45.65.010(a) is amended to read:

15 (a) An Alaska Native [A] person who creates or crafts [MAKES] an
16 original article of authentic Alaska Native art [HANDICRAFT] in the state may
17 obtain an identification seal as specified in AS 45.65.030(a) to identify the article. The
18 identification seal may be affixed only to original articles of authentic Alaska Native
19 art created or crafted [HANDICRAFTS MADE] in the state.

20 * **Sec. 4.** AS 45.65.020(b) is amended to read:

21 (b) The Alaska State Council on the Arts (AS 44.27.040) is responsible for the
22 administration of the provisions of AS 45.65.010 - 45.65.070 relating to [THE]
23 identification seals [SEAL] for authentic Alaska Native art [HANDICRAFTS MADE
24 IN THE STATE], including

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

27 (2) the issuance of permits to use identification [AGENTS TO
28 DISTRIBUTE THE] seals and the collection of the fees established under
29 AS 45.65.040(c);

30 (3) the supervision of the use of identification [THE] seals; and

31 (4) the enforcement of AS 45.65.010 - 45.65.070 regarding [THE]

1 identification seals.

2 * **Sec. 5.** AS 45.65.030(a) is amended to read:

3 (a) The official [AUTHENTIC NATIVE HANDICRAFT] symbol **for the**
 4 **identification seal** is the silver hand symbol. It must bear the words: "Authentic
 5 **Alaska** Native **Art** [HANDICRAFT] from Alaska" [,] and include **space** [A BLANK
 6 LINE] for the artist's name and the place of origin of the article.

7 * **Sec. 6.** AS 45.65.040(a) is amended to read:

8 (a) The identification seal [AUTHORIZED UNDER AS 45.65.010(a)] may
 9 only be used after receiving a permit from the council [OR FROM AN AGENT WHO
 10 POSSESSES A CURRENT PERMIT UNDER (b) OF THIS SECTION].

11 * **Sec. 7.** AS 45.65.040(d) is amended to read:

12 (d) Before issuing a permit **to a person** [FOR AN ARTICLE] under **(a) of** this
 13 section, the council [OR THE IDENTIFICATION SEAL AGENT] shall determine
 14 that the **person is eligible under AS 45.65.010(a) to obtain the identification seal**
 15 **and that the** article **for which the person** is **applying for the permit is** eligible
 16 **under AS 45.65.010(a)** for the identification seal.

17 * **Sec. 8.** AS 45.65.040(e) is amended to read:

18 (e) **A person** [AN IDENTIFICATION SEAL AGENT] may report alleged
 19 violations of AS 45.65.010 - 45.65.070 regarding identification seals to the council.

20 * **Sec. 9.** AS 45.65 is amended by adding a new section to read:

21 **Sec. 45.65.055. Prohibited conduct.** An individual may not

22 (1) affix or attach the identification seal to an article that is not an
 23 original article of authentic Alaska Native art created or crafted in the state;

24 (2) sell or offer for sale an article that has an identification seal affixed
 25 or attached but that is not an original article of authentic Alaska Native art created or
 26 crafted in the state; or

27 (3) alter, change, or counterfeit an identification seal.

28 * **Sec. 10.** AS 45.65.060(a) is amended to read:

29 (a) A person who knowingly **violates AS 45.65.055** [OR WILLFULLY
 30 AFFIXES OR ATTACHES THE IDENTIFICATION SEAL PROVIDED FOR IN
 31 AS 45.65.010 - 45.65.070 TO AN ARTICLE, KNOWING THAT IT IS NOT AN

1 AUTHENTIC NATIVE HANDICRAFT,] is guilty of a class B misdemeanor. **In this**
 2 **subsection, "knowingly" has the meaning given in AS 11.81.900.**

3 * **Sec. 11.** AS 45.65.060(c) is amended to read:

4 (c) A person who knowingly or willfully alters, changes, or counterfeits an
 5 [IDENTIFICATION SEAL OR] emblem is guilty of a class B misdemeanor.

6 * **Sec. 12.** AS 45.65.070(1) is amended to read:

7 (1) "authentic Alaska Native art [HANDICRAFT]" means art that
 8 [AN ARTICLE MADE IN THE STATE WHICH] is created or crafted
 9 [COMPOSED WHOLLY, OR IN SOME SIGNIFICANT RESPECT, OF NATURAL
 10 MATERIALS, AND WHICH IS PRODUCED, DECORATED OR FASHIONED] by
 11 an Alaska Native person;

12 * **Sec. 13.** AS 45.65.070 is amended by adding new paragraphs to read:

13 (6) "Alaska Native person" means an individual who is a state resident
 14 and who is a member of a recognized Alaska tribe; in this paragraph, "state resident"
 15 means an individual who is physically present in the state with the intent to remain
 16 indefinitely in the state under the requirements of AS 01.10.055, or, if the individual is
 17 not physically present in the state, intends to return to the state and remain indefinitely
 18 in the state under the requirements of AS 01.10.055;

19 (7) "art" means a creation or crafting of

20 (A) a visual article, including a painting, a sculpture, a drawing,
 21 a mosaic, a photograph, an etching, a lithograph, an offset print, and a silk-
 22 screen print;

23 (B) calligraphy;

24 (C) clay, textile, fiber, wood, metal, plastic, or glass, or a
 25 combination of these materials;

26 (D) traditional Alaska Native materials, including ivory, bone,
 27 grass, baleen, animal skins, wood, or furs;

28 (E) a collage or combination of two or more of the categories
 29 identified in (A) - (D) of this paragraph;

30 (8) "identification seal" means the seal authorized by AS 45.65.010(a);

31 (9) "original" means new, unique, not a reproduction, and created or

1 crafted by one person without the use of mechanized duplication instruments,
2 electronic duplication instruments, or other devices or systems for copying large
3 numbers of articles;

4 (10) "recognized Alaska tribe" means

5 (A) a village, or another organized group or community, in this
6 state that is listed, on or after the effective date of this Act, by the United States
7 Bureau of Indian Affairs as an Indian tribe under 25 U.S.C. 479a-1 that is
8 eligible for the special programs and services provided by the United States to
9 Indians because of their status as Indians; or

10 (B) a group of individuals who have been formally recognized
11 as an Alaska Native tribe by a statute of this state, including a statute that
12 authorizes a commission or other organization of this state to recognize the
13 tribal status of a group of Alaska Native persons.

14 * **Sec. 14.** AS 45.65.040(b), 45.65.060(b), 45.65.060(f), and 45.65.070(5) are repealed.