

1 IN THE HOUSE

BY FISCHER

2 HOUSE BILL NO. 2

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the identification of works of
7 Alaskan artists and craftsmen."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 45 is amended by adding a new chapter to read:

10 CHAPTER 66. ALASKAN ART AND CRAFTS.

11 Sec. 45.66.010. IDENTIFICATION SEAL. A resident of the state
12 who creates or makes an authentic work of art or article of handicraft
13 in the state may obtain an identification seal to identify the work of
14 art or article of handicraft as a product created in the State of Alaska.
15 The identification seal may be affixed only to authentic works of art
16 or articles of handicraft created or made in the state.

17 Sec. 45.66.020. ADMINISTRATION. The commissioner of commerce is
18 responsible for the administration of this chapter, including (1) the
19 design, method of affixing, preparation, issuance and control of
20 identification seals; (2) the issuance of permits to agents to distri-
21 bute the seals; (3) the supervision of the use of the seals; and (4) the
22 enforcement of the civil and criminal provisions of this chapter.

23 Sec. 45.66.030. PREPARATION OF IDENTIFICATION SEAL. The com-
24 missioner of commerce shall prepare and design the identification seal
25 with a distinctive design that is entirely different from the native
26 handicraft seal prepared, designed and distributed under AS 45.65.010 -
27 45.65.070 and that bears the following: (1) the words "An Authentic
28 Work of Art or Article of Handicraft Created or Made in Alaska" and
29 (2) a number to designate the agent in the state who authorized the

use of the seal.

1
2 Sec. 45.66.040. PERMITS TO ISSUE IDENTIFICATION SEALS. A
3 resident of the state may apply to the commissioner of commerce for a
4 permit to issue identification seals within the state. The commissioner
5 of commerce may examine or investigate an applicant to determine whether
6 the applicant has sufficient knowledge of art and handicrafts in the
7 state, and may issue permits to qualified applicants. Permits shall be
8 issued without charge. The permit may limit the authority of the agent
9 to a certain geographic area or to a particular type of work of art or
10 handicraft. The commissioner of commerce shall prescribe the form of
11 the application and permit, the period for which the permit is valid,
12 and the procedure for renewal of the permit. He may suspend or revoke
13 the permit under the Administrative Procedure Act (AS 44.62.330 - 44.62.-
14 630), and a final order of the commissioner of commerce is subject to
15 judicial review under that Act.

16 Sec. 45.66.050. AFFIXING SEALS TO WORKS OF ART OR HANDICRAFTS.
17 A creator or maker may present a work of art or article of handicraft
18 to an agent for a seal. The agent shall, without charge, inspect and
19 determine if the work or article is an authentic Alaska work of art or
20 article of handicraft. If he determines it is authentic, he shall,
21 without charge, affix the seal.

22 Sec. 45.66.060. PENALTIES. (a) A person who knowingly or wilfully
23 affixes or attaches the identification seal provided for in this chapter
24 to a work or article, knowing that it is not an authentic Alaska work of
25 art or article of handicraft, is, upon conviction, guilty of a misdemean-
26 or and is punishable by a fine of not more than \$1,000, or by imprisonment
27 for not more than one year, or by both.

28 (b) A person who knowingly or wilfully sells or offers for sale a
29 work or article with the seal affixed or attached, knowing that the work

1 or article is not an authentic Alaska work of art or article of handi-
2 craft, is, upon conviction, guilty of a misdemeanor, and is punishable
3 by a fine of not more than \$1,000, or by imprisonment for not more than
4 one year, or by both.

5 (c) A person who wilfully alters, changes, or counterfeits the
6 identification seal is, upon conviction, guilty of a misdemeanor and is
7 punishable by a fine of not more than \$1,000, or by imprisonment for not
8 more than one year, or by both.

9 Sec. 45.66.070. REGULATIONS. The commissioner shall promulgate
10 the regulations he considers necessary to carry out the provisions of
11 this chapter under the Administrative Procedure Act (AS 44.62).

12 Sec. 45.66.080. DEFINITIONS. In this chapter, unless the context
13 requires otherwise:

14 (1) "commissioner" means the commissioner of commerce;

15 (2) "department" means the Department of Commerce;

16 (3) "resident means a person whose domicile is the State of
17 Alaska: he or she is one who maintains a permanent place of abode in
18 the state and who has continually maintained his voting residence in the
19 state; however, for the purposes of this chapter, the following are
20 residents: (A) a member of the military service on extended active
21 duty who has been stationed in the state for the preceding 12 consecu-
22 tive months; (B) the dependent of a resident member of the military
23 service, who has been living in the state for the preceding 12 consecu-
24 tive months; and (C) a person who is an alien but who for three years
25 has maintained a permanent place of abode in the state;

26 (4) "authentic Alaska work of art or article of handicraft"
27 means a work or article created, made, painted, decorated or otherwise
28 fabricated or produced without the use of mass production devices with-
29 in the territorial limits of the state. Handicrafts include, but are

1 not limited to, weaving, carving, stitching, lacing, beading, drawing,
2 painting or sculpting, or any combination of these artistic or crafting
3 processes. A work or article which requires that it be transported
4 outside the state for the final processing or finishing, in whole or in
5 part, still may be considered an authentic Alaska work of art or article
6 of handicraft if the final processing or finishing work occurs by a
7 process or processes that are not available to the artisan or craftsman
8 in the state.
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29