

SENATE BILL NO. 427

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - SECOND SESSION

BY SENATORS STURGULEWSKI, Pearce

Introduced: 2/18/92
Referred: L&C, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to products made in Alaska."

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

3 * Section 1. AS 45.65.010 is amended to read:

4 Sec. 45.65.010. IDENTIFICATION SEALS AND EMBLEMS [SEAL FOR
5 HANDICRAFTS]. A person who makes an authentic Native [ARTICLE OF] handicraft in the
6 state may obtain an identification seal as specified in AS 45.65.030(a) [AS 45.65.030] to identify
7 the article. The identification seal may be affixed only to authentic Native handicrafts
8 [ARTICLES OF HANDICRAFT] made in the state.

9 * Sec. 2. AS 45.65.010 is amended by adding a new subsection to read:

10 (b) A person may use an emblem described under AS 45.65.030(c) to identify a product
11 that is made in the state. The emblem may not be used to identify a product made outside the
12 state.

13 * Sec. 3. AS 45.65.020 is amended to read:

14 Sec. 45.65.020. COMMISSIONER TO ADMINISTER [AS 45.65.010 - 45.65.070]. The

1 commissioner of commerce and economic development is responsible for the administration of
2 AS 45.65.010 - 45.65.070, including

3 (1) subject to AS 45.65.030(a) [AS 45.65.030], the design, method of affixing,
4 preparation, issuance, and control of identification seals [AND DOCUMENTS];

5 (2) the issuance of permits to agents to distribute the seals [AND DOCUMENTS];

6 (3) the supervision of the use of the seals and emblems [DOCUMENTS];

7 (4) subject to AS 45.65.030(c), the design, issuance, and control of emblems:

8 (5) the issuance of permits to agents to certify emblems; and

9 (6) [(4)] the enforcement of [THE CIVIL AND CRIMINAL PROVISIONS OF]
10 AS 45.65.010 - 45.65.070.

11 * Sec. 4. AS 45.65.030(a) is amended to read:

12 (a) The official authentic Native handicraft symbol is the silver hand symbol. It must
13 [SHALL] bear the words: "Authentic Native Handicraft from Alaska", and include a blank line
14 for the artist's name and the place of origin of the article. [IF SPACE PERMITS ON THE
15 SEAL, OR, IF NOT, IN AN ACCOMPANYING DOCUMENT, IT SHALL ALSO STATE:
16 "THIS SILVER HAND SYMBOL IS YOUR GUARANTEE THAT THIS IS A GENUINE
17 ARTICLE, MADE IN ALASKA, HAND-CRAFTED AND FINISHED BY AN ALASKAN
18 NATIVE ARTIST OR CRAFTSMAN. WHERE POSSIBLE, ONLY ALASKAN MATERIALS
19 HAVE BEEN USED TO CREATE THIS ARTICLE, AND TO A GREAT EXTENT ONLY
20 TRADITIONAL NATIVE METHODS HAVE BEEN USED."]

21 * Sec. 5. AS 45.65.030 is amended by adding a new subsection to read:

22 (c) The official emblem for a product that is made in the state is a design approved by
23 the commissioner under AS 45.65.020(4) that depicts a mother bear with a cub and states the
24 words "Made in Alaska."

25 * Sec. 6. AS 45.65.040 is amended to read:

26 Sec. 45.65.040. PERMITS TO ISSUE IDENTIFICATION SEALS. A resident of the
27 state may apply to the commissioner for a permit as agent to issue identification seals described
28 under AS 45.65.030(a) [AND DOCUMENTS] in the state. The commissioner may examine or
29 investigate an applicant to determine whether the applicant has sufficient knowledge of the
30 handicrafts, customs, and populace of the area in which the applicant resides to identify authentic
31 Native [ARTICLES OF] handicraft, and may issue permits to qualified applicants. Permits shall

1 be issued without charge. The permit may limit the authority of the agent to a certain
2 geographical area or to a particular type of handicraft. The commissioner shall prescribe the
3 form of the application and permit, the period for which the permit is valid, and the procedure
4 for renewal of the permit. An agent may report alleged violations of AS 45.65.010 - 45.65.070
5 to the commissioner.

6 * Sec. 7. AS 45.65 is amended by adding a new section to read:

7 Sec. 45.65.045. EMBLEM AND EMBLEM AGENT PERMITS. (a) The emblem
8 authorized under AS 45.65.010(b) may not be used without receiving a permit from the
9 commissioner or from an agent who possesses a current permit under (b) of this section.

10 (b) A resident of the state may apply to the commissioner for a permit to act as an agent
11 to certify eligibility to use the emblem. An agent may report alleged violations of
12 AS 45.65.010 - 45.65.070 to the commissioner.

13 (c) The commissioner shall establish forms and fees for the applications and permits to
14 be used or issued under this section, the period for which the permits are valid, and the
15 procedures for renewing the permits.

16 (d) Before issuing a permit for a product under this section, the commissioner or the
17 agent shall determine that the product is eligible for the emblem.

18 * Sec. 8. AS 45.65.060 is amended to read:

19 Sec. 45.65.060. PENALTIES. (a) A person who knowingly or wilfully [ISSUES THE
20 DOCUMENT FOR, OR] affixes or attaches the identification seal provided for in AS 45.65.010 -
21 45.65.070 to an article, knowing that it is not an authentic Native [ARTICLE OF] handicraft,
22 [OR AFFIXES OR ATTACHES THE INAPPROPRIATE SEAL, OR ISSUES THE
23 INAPPROPRIATE DOCUMENT, UNDER AS 45.65.030,] is guilty of a class B misdemeanor
24 [, AND UPON CONVICTION IS PUNISHABLE BY A FINE OF NOT MORE THAN \$1,000,
25 OR BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BY BOTH].

26 (b) A person who knowingly or wilfully sells or offers for sale an article with the seal
27 affixed or attached [AND ISSUES THE DOCUMENT, IF REQUIRED UNDER AS 45.65.030],
28 knowing that the article is not an authentic Native [ARTICLE OF] handicraft [, OR
29 KNOWINGLY OR WILFULLY SELLS OR OFFERS FOR SALE AN ARTICLE WITH THE
30 INAPPROPRIATE SEAL OR DOCUMENT AS PROVIDED IN AS 45.65.030], is guilty of a
31 class B misdemeanor [, AND UPON CONVICTION IS PUNISHABLE BY A FINE OF NOT

1 MORE THAN \$1,000, OR BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR
2 BY BOTH].

3 (c) A person who wilfully alters, changes, or counterfeits an identification seal or
4 emblem [DOCUMENT] is guilty of a class B misdemeanor [, AND UPON CONVICTION IS
5 PUNISHABLE BY A FINE OF NOT MORE THAN \$1,000, OR BY IMPRISONMENT FOR
6 NOT MORE THAN ONE YEAR, OR BY BOTH].

7 * Sec. 9. AS 45.65.060 is amended by adding new subsections to read:

8 (d) A person who knowingly or wilfully sells or offers for sale an article that is not made
9 in the state but that bears the emblem is guilty of a class B misdemeanor.

10 (e) A person who knowingly or wilfully uses the emblem for an article that is not made
11 in the state is guilty of a class B misdemeanor.

12 * Sec. 10. AS 45.65.070 is amended by adding a new paragraph to read:

13 (5) "emblem" means the emblem that is authorized under AS 45.65.010(b).

14 * Sec. 11. AS 45.65.030(b), 45.65.050, and 45.65.070(1) are repealed.