

H B

5 3 2



Representative Mark Hanley
Alaska State Legislature

MEMORANDUM

TO: Senator Drue Pearce, Chair
Senate Labor and Commerce Committee

FROM: Rep. Mark Hanley *MH*

RE: Request to schedule for hearing CS House Bill 532
(Judiciary) "An Act relating to the labeling of
reproductions of art and handicrafts made by state
residents."

DATE: April 21, 1992

This memo is to respectfully request that HB 532 be scheduled for a hearing in the Senate Labor and Commerce Committee at your earliest possible convenience. The bill passed the House unanimously on April 14th. HB 532 received unanimous "Do Pass" recommendations in both the House Labor and Commerce and Judiciary Committees.

CS HB 532 (Judiciary) is intended to protect the integrity of Alaska made arts and crafts. HB 532 makes it an unfair trade practice to knowingly sell a reproduction of a piece of art or handicraft that was made by a resident of the state unless the reproduction is clearly labeled as a reproduction.

Currently reproductions of Alaskan arts and crafts are often produced outside the state by non-Alaskans and sold as original Alaska art. The reproductions compete unfairly with true original Alaskan arts and crafts and are sold at lower prices.

I would appreciate your consideration on scheduling this bill for a hearing as promptly as possible.

Thank you

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. CSHB 532

Revision Date: 3/3/92 Department Affected: Commerce & Econ. Dev.
 Title: An Act relating to the labeling of reproduc- BRU: Economic Development
tions of arts and handicrafts made by state residents Component: _____
 Sponsor: Representative Hanley
 Requestor: Representative Hanley COMPONENT SERIAL NO.

--	--	--	--

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE FUND RESOURCE:	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER FUND SOURCE:						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

Estimate of current year Impact: _____

ANALYSIS (Attach a separate page if necessary.)

Prepared By: Tina L. D. Long, Rural Development Coordinator Phone: 465-2017
 Division: Economic Development Date: 3/3/92
 Approved by Commissioner: Glenn A. Olds *[Signature]*
 Agency: Department of Commerce & Economic Development Date: 3/3/92

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., and Impacted Agency(ies).

CSHB 532: "An Act relating to the labeling and reproductions of arts and handicrafts made by state residents."

An article dated June 24, 1991, in the Tundra Times entitled "Native Artists Want Fair Dealings" expressed the views of artists and carvers as believing "the counterfeit market is a sizable one." The article's subheading stated: "Native artists want counterfeiting stopped." There have been other informal reports of authentic pieces of arts and handicrafts being reproduced without the artist's permission.

CSHB 532 addresses the problem by requiring reproductions to be clearly labeled by the manufacturers, wholesalers, and/or retailers.

The intent of this legislation is to reduce unauthorized reproductions of pieces of art or handicrafts made by Alaska residents and to ensure consumers know when they are purchasing reproductions rather than authentic originals.

All reproductions, other than those reproduced by the original artist, will have to be clearly labeled prior to trade. Because CSHB 532 makes it an unfair trade practice to knowingly sell a reproduction unless it is clearly labeled as such, the attorney general may bring a restraining action in the name of the state against the person and private and class actions may result in actual damages and/or penalties not more than \$25,000. The legislation is passive in that no active monitoring of compliance is provided. The bill provides a basis for legal action by the original artists or those who believe they have been harmed by the unauthorized duplication of the commercially traded art or handicraft object. Costs of labeling will be borne by the industry.

The Department of Commerce and Economic Development supports CSHB 532.



Glenn A. Olds, Commissioner

Date: _____

4-9-91

ALASKA STATE LEGISLATURE
HOUSE BILL NO. 532

HISTORY IN THE HOUSE

HISTORY IN THE SENATE

1992
2/18 Read first time and referred to:
L&C, JUD.

3/6 L&C RPT CS(L&C) New Title
6 DP DNP NR AM
FN 1 OFN Previous FN

4/8 JUD RPT CS(JUD) New Title
5 DP DNP NR AM
FN OFN 1 Previous FN

4/10 Read second time
4/10 CS(Jud) Adopted

Amended

4/10 Advanced

4/10 Read third time

Return to second for specific amendment

4/10 PASSED EFD Same
Yes 39 Yes
Nays 0 Nays
Excused 1 Excused
Absent 0 Absent

Intent adopted

4/10 Reconsideration by Choquette, Held 4/11
4/14 Reconsideration not taken up, Held 4/13

PASSED ON REMON. EFD Same ___ or
Yes Yes
Nays Nays
Excused Excused
Absent Absent

Intent adopted

4/14 Reported correctly engrossed
Signed by Speaker, to the Senate
Justin Gray
Clerk of the House

1992
4/15 Read first time and referred to:
L&C, Jud

RPT() CS DP NR DNP AM
New Title Same Title Previous FN
FN OFN To

RPT() CS DP NR DNP AM
New Title Same Title Previous FN
FN OFN To

RPT() CS DP NR DNP AM
New Title Same Title Previous FN
FN OFN To

Rules Calendar() CS AM Other
New Title Same Title Previous FN
FN OFN

Read second time

CS Adopted () New Title
Amended Advanced

Read third time

Letter of Intent adopted
Return to second for specific amendment

PASSED EFD Same ___ or
Yes Yes
Nays Nays
Excused Excused
Absent Absent

Reconsideration
Reconsideration not taken up

PASSED EFD Same ___ or
Yes Yes
Nays Nays
Excused Excused
Absent Absent

Reported correctly engrossed
Signed by President, to the House
Secretary of the Senate