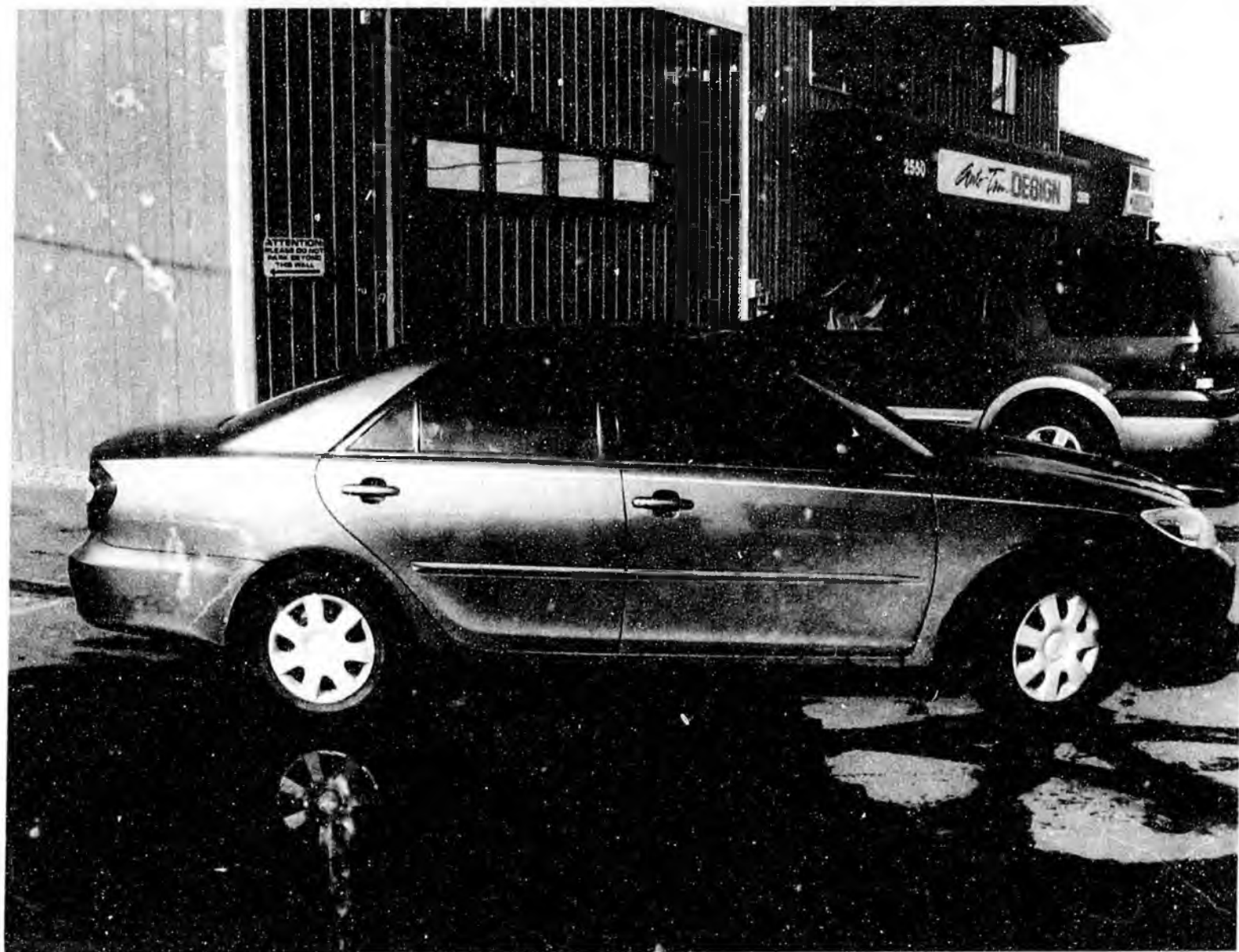
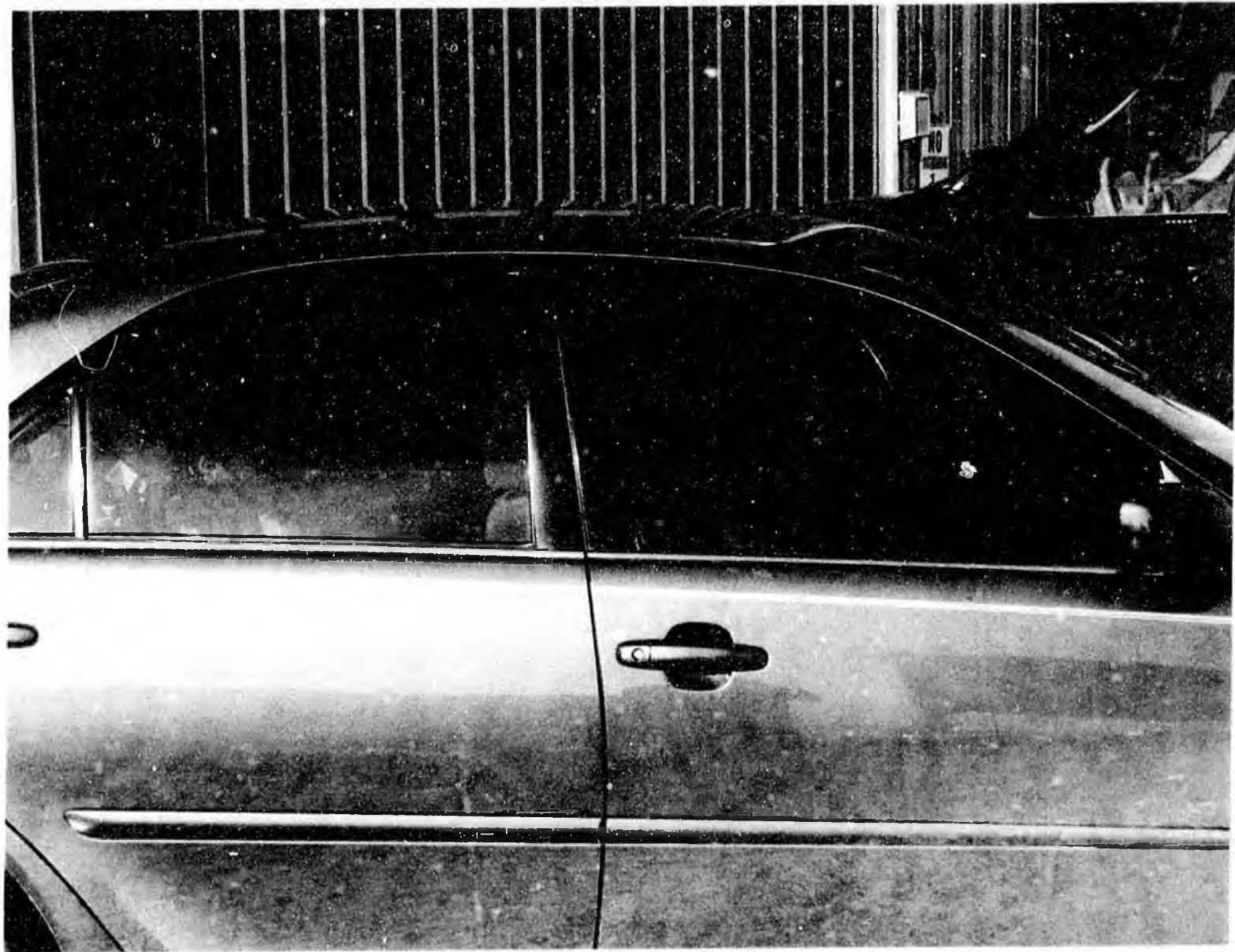


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## STATE WINDOW TINTING RULES & LAWS

ST	YEAR ENACTED	TYPE	% OF VISIBLE LIGHT TRANSMISSION						% OF REI		RESTRICTED COLORS		L&R MRR REQ	CERTIF REQ	SIGNR/LOC	MEDICAL
			WIND-SHIELD	F SIDE	B SIDE	B SIDE	REAR	REAR	F RIDE	RIDE	ALL CLASS	(SEE LEGEND)				
			(MPV)	(MPV)	(MPV)	(MPV)	(MPV)	(MPV)	(SEE LEGEND)	(SEE LEGEND)	(SEE LEGEND)	(SEE LEGEND)				
AL	96	NET	6"	32	32	ANY	32	ANY	20	20	N/S	NO	YES	SPEC/ALL	YES	
AZ	94	NET	AS1	33	ANY	ANY	ANY	ANY	35	35	R, A	YES	NO	NO	YES	
AR	93	NET	5"	25	25	10	10	10	NR	NR	N/S	NO	NO	SPEC/DRIVER	YES	
CA	93	NET	7"	70	70	ANY	ANY	ANY	NR	NR	N/S	NO	NO	NO	YES	
CO	85	NET	NO	NO	ANY	ANY	ANY	ANY	NMMA	NMMA	R, A	NO	NO	NO	NO	
CO	95	NET	4"	27	27	27	27	27	NMMA	NMMA	R, A	YES	NO	RECOMMEND	NO	
CT	94	NET	AS1	35	35	ANY	ANY	ANY	21	27	N/S	YES	YES	SPECIAL	NO	
DE	93	NET	5"	35	35	ANY	ANY	ANY	NR	NR	N/S	YES	NO	NO	YES	
FL	81	NET	AS1	28	15	8	15	6	25	35	ALL	YES	NO	SPEC/DOOR	YES	
GA	2005	NET	6"	32	32	ANY	32	ANY	20	20	R, A	NO	NO	NO	YES	
HI	86	NET	4"	35	35	ANY	35	ANY	NR	NR	N/S	YES	NO	NO	NO	
IA	92	NET	AS1	70	70	ANY	ANY	ANY	NR	NR	N/S	NO	NO	NO	YES	
ID	92	FILM	AS1	35	20	ANY	35	ANY	35	35	N/S	YES	NO	NO	YES	
IL	92	NET	5"	35	35	ANY	ANY	ANY	NR	NR	N/S	YES	NO	NO	YES	
IN	2003	VAGUE	AS1	30	30	VAGUE	30	VAGUE	25	25	N/S	NO	YES	NO	YES	
KS	87	NET	AS1	35	35	35	35	35	MBNR	MBNR	R, A, Y	YES	NO	RECOMMEND	NO	
KY	94	FILM	AS1	35	18	8	18	8	25	25	N/S	NO	YES	SPEC/DOOR	NO	
LA	93	NET	AS1	40	25	ANY	12	ANY	20	20	N/S	NO	YES	SPEC/DRIVER	YES	
MA	85	NET	8"	35	35	35	35	35	35	35	N/S	YES	NO	RECOMMEND	YES	
ME	1993	FILM	4"	50	50	ANY	50	ANY	MBNR	MBNR	N/S	YES	YES	NO	YES	
MD	95	NET	5"	35	35	ANY	35	ANY	NONE	NONE	R, A, Y	YES	YES	SPECIAL	YES	
MI	2000	NET	4"	4"	ANY	ANY	ANY	ANY	35	35	N/S	NO	NO	NO	YES	
MN	85	VAGUE	NO	50	50	***V	50	***V	20	20	N/S	NO	NO	SPEC/DRIVER	YES	
MO	2002	NET	AS1	35	ANY	ANY	ANY	ANY	35	35	N/S	YES	NO	NO	YES	
MS	2006	NET	AS1	28	28	ANY	28	ANY	20	20	N/S	NO	YES	SPEC/ALL	YES	
MT	91	FILM	AS1	35	20	ANY	20	ANY	35	35	N/S	NO	NO	RECOMMEND	YES	
NC	2001	NET	AS1	35	35	ANY	35	ANY	20	20	R, A, Y	YES	NO	NO	YES	
ND	2003	NET	70	50	ANY	ANY	ANY	ANY	NR	NR	N/S	YES	NO	NO	NO	
NE	2008	NET	AS1 OR 5"	35	20	35	20	35	35	35	***R, A, Y	VAGUE	NO	NO	YES	
NJ	2003	NET	70	70	NO	ANY	ANY	ANY	NMMA	NMMA	N/S	YES	NO	NO	YES	
NM	97	NET	AS1 OR 5"	20	20	ANY	20	ANY	NONE	NONE	***R, A, Y	YES	YES	SPEC/ALL	YES	
NV	93	NET	AS1	35	ANY	ANY	ANY	ANY	NONE	NONE	N/S	YES	YES	NO	YES	
OH	2004	NET	70	50	ANY	ANY	ANY	ANY	MNR	MNR	R, Y	YES	YES	SPEC/ALL	YES	
OK	2005	NET	AS1 OR 5"	25	25	ANY	25	ANY	25	25	N/S	YES	YES	NO	YES	
OR	2003	NET	6"	35	35	ANY	35	ANY	13	13	R, A, Y, BK	YES	YES	NO	YES	
SC**	97	NET	AS1	27	27	ANY**	27	ANY	MBNR	MBNR	R, A, Y	YES	YES	SPEC/ALL	YES	
SD	97	NET	AS1	35	20	NR	20	NR	NR	NR	N/S	NO	YES	SPEC/ALL	YES	
TN	90	NET	AS1	35	35	ANY	35	ANY	NR	NR	N/S	NO	NO	SPEC/ALL	YES	
TX	2003	NET	AS1 OR 5"	25	25	ANY	ANY	ANY	25	25	R, B, A	YES	YES	SPEC/DRIVER	YES	
UT	2005	NET	AS1	43	ANY	ANY	ANY	ANY	NMMA	NMMA	N/S	YES	NO	NO	YES	
VT	84	NET	AS1	NO	ANY	ANY	ANY	ANY	NR	NR	N/S	YES	NO	NO	NO	
VA	99	NET	AS1	50	35	ANY	35	ANY	20	20	R, A, Y	YES	NO	NONE	YES	
WA	93	FILM	6"	35	35	ANY	35	ANY	35	35	R, Y, G, BK	YES	YES	SPEC/DRIVER	YES	
WI	96	NET	AS1	50	35	35	35	35	MBNR	MBNR	N/S	YES	NO	NO	YES	
WV	91	NET	5"	35	35	ANY	35	ANY	20	20	R, A, Y	YES	YES	SPEC/ALL	YES	
WY	96	NET	AS1 OR 5"	28	28	ANY	28	ANY	20	20	N/S	YES	NO	NO	YES	

This information is prepared for NFA members by the Legislative Committee and consultants and represents our understanding of the law, regulations and rules of the

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# STATE WINDOW TINTING RULES & LAWS

STATE	YEAR	LAW TYPE	% OF VISIBLE LIGHT TRANSMISSION						% OF REFLECTIVITY		RESTRICTED COLORS		SPECIAL	REMARKS	
			WINDSHIELD	FRONT SIDE		REAR SIDE		FRONT	REAR	FRONT	REAR	FRONT			REAR
				MIN	MAX	MIN	MAX								
AL	96	NET	6"	32	32	ANY	32	ANY	20	20	NS	NO	YES	SPEC/ALL	YES
AZ	94	NET	AS1	33	ANY	ANY	ANY	ANY	35	35	R, A	YES	NO	NO	YES
AR	93	NET	5"	25	25	10	10	10	NR	NR	NS	NO	NO	SPEC/DRIVER	YES
CA	99	NET	4"	70	ANY	ANY	ANY	ANY	MNR	MNR	R, A, B	YES	NO	NO	YES*
CO	95	NET	4"	NO	ANY	ANY	ANY	ANY	NMMA	NMMA	R, A	NO	NO	NO	NO
CO	95	NET	4"	27	27	27	27	27	NMMA	NMMA	R, A	YES	NO	RECOMMEND	NO
CT	94	NET	AS1	35	35	ANY	ANY	ANY	21	27	NS	YES	YES	SPEC/ALL	NO
DE	92	NET	AS1	70	ANY	ANY	ANY	ANY	NR	NR	NS	YES	NO	SPEC/DRIVER	YES
FL	91	NET	AS1	28	15	6	15	6	25	35	ALL	YES	NO	SPEC/DOOR	YES
GA	2005	NET	6"	32	32	ANY	32	ANY	20	20	R, A	NO	NO	NO	YES
HI	89	NET	4"	35	75	ANY	35	ANY	NR	NR	NS	YES	NO	NO	NO
IA	83	NET	AR1	70	70	ANY	ANY	ANY	NE	NE	NS	NO	NO	NO	YES
ID	92	FILM	AS1	35	20	ANY	35	ANY	35	35	NS	YES	NO	NO	YES
IL	98	NET	6"	NO	ANY	ANY	ANY	ANY	MNR	MNR	NR	YES	NO	NO	YES
IN	2003	VAGUE	AS1	30	30	VAGUE	30	VAGUE	25	25	NS	NO	YES	NO	YES
KS	87	NET	AS1	35	35	35	35	35	MBNR	MBNR	R, A, Y	YES	NO	RECOMMEND	NO
KY	94	FILM	AS1	35	18	8	18	8	25	25	NS	NO	YES	SPEC/DOOR	NO
LA	93	NET	AS1	40	25	ANY	12	ANY	20	20	NS	NO	YES	SPEC/DRIVER	YES
MA	85	NET	6"	35	35	35	35	35	35	35	NS	YES	NO	RECOMMEND	YES
ME	1993	FILM	4"	50	50	ANY	50	ANY	MBNR	MBNR	NS	YES	YES	NO	YES
MD	95	NET	5"	35	35	ANY	35	ANY	NONE	NONE	R, A, Y	YES	YES	SPEC/ALL	YES
MI	2000	NET	4"	4	ANY	ANY	ANY	ANY	35	35	NS	NO	NO	NO	YES
MI	85	VAGUE	NO	50	50	***V	50	***V	20	20	NS	NO	NO	SPEC/DRIVER	YES
MO	2002	NET	AS1	35	ANY	ANY	ANY	ANY	35	35	NS	YES	NO	NO	YES
MS	2006	NET	AS1	28	28	ANY	78	ANY	20	20	NS	NO	YES	SPEC/ALL	YES
MT	91	FILM	AS1	35	20	ANY	20	ANY	35	35	NS	NO	NO	RECOMMEND	YES
NC	2001	NET	AS1	35	35	ANY	35	ANY	20	20	R, A, Y	YES	NO	NO	YES
ND	2003	NET	70	50	ANY	ANY	ANY	ANY	NR	NR	NS	YES	NO	NO	NO
NE	2006	NET	AS1 OR 5"	35	20	35	20	35	35	35	***R, A, Y	VAGUE	NO	NO	YES
NH	92	NET	5"	70	70	ANY	70	ANY	70	70	NS	YES	NO	RECOMMEND	NO
NJ	2003	NET	NO	NO	ANY	ANY	ANY	ANY	NMMA	NMMA	NS	YES	NO	NO	YES
NM	97	NET	AS1 OR 5"	20	20	ANY	20	ANY	NONE	NONE	***R, A, Y	YES	YES	SPEC/ALL	YES
NV	93	NET	AS1	35	ANY	ANY	ANY	ANY	INONE	INONE	NS	YES	YES	NO	YES
OH	2004	NET	5"	70	70	ANY	70	ANY	70	70	NS	YES	YES	SPEC/ALL	YES
OH	2004	NET	70	50	ANY	ANY	ANY	ANY	MNR	MNR	R, A, Y	YES	YES	SPEC/ALL	YES
OK	2005	NET	AS1 OR 5"	25	25	ANY	25	ANY	25	25	NS	YES	YES	NO	YES
OR	2003	NET	6"	35	35	ANY	35	ANY	13	13	R, G, Y, BK	YES	YES	NO	YES
PA	92	NET	70	70	70	70	70	70	70	70	NS	YES	YES	SPEC/ALL	YES
PA	2005	NET	AS1	70	70	ANY	70	ANY	70	70	NS	YES	YES	NO	YES
SC**	92	NET	AS1	27	27	ANY**	27	ANY	MBNR	MBNR	R, A, Y	YES	YES	SPEC/ALL	YES
SD	89	NET	AS1	35	20	NR	20	NR	NR	NR	NS	NO	YES	SPEC/ALL	YES
TN	90	NET	AS1	35	35	ANY	35	ANY	NR	NR	NS	NO	NO	SPEC/ALL	YES
TX	2003	NET	AS1 OR 5"	25	25	ANY	ANY	ANY	25	25	R, B, A	YES	YES	SPEC/DRIVER	YES
UT	2005	NET	AS1	43	ANY	ANY	ANY	ANY	NMMA	NMMA	NS	YES	NO	NO	YES
VT	84	NET	AS1	NO	ANY	ANY	ANY	ANY	NR	NR	NS	YES	NO	NO	NO
VA	90	NET	AS1	50	35	ANY	35	ANY	20	20	R, A, Y	YES	NO	NO	YES
WA	93	FILM	6"	35	35	ANY	35	ANY	35	35	R, Y, G, BK	YES	YES	SPEC/DRIVER	YES
WA	90	NET	AS1	50	35	35	35	35	MBNR	MBNR	NS	YES	NO	NO	YES
WY	91	NET	5"	35	35	ANY	35	ANY	20	20	R, A, Y	YES	YES	SPEC/ALL	YES
WY	95	NET	AS1 OR 5"	28	28	ANY	28	ANY	20	20	NS	YES	NO	NO	YES







### Selected States' Laws Regarding Illegal Installation of Window Tinting

State	Statutes	Crime Classification	Maximum Penalty
Arizona	A.R.S. § 28-959.01 (Prohibition) A.R.S. § 28-121 (Classification) A.R.S. § 13-802 (Penalty)	Class 2 Misdemeanor	\$750 fine
California	Cal. Veh. Code § 26708.5 (Prohibition) Cal. Veh. Code § 42002 (Penalty)	Misdemeanor	\$1,000 fine and/or six months in jail
Colorado	C.R.S. § 42-4-227	Misdemeanor	\$500 (minimum) to \$5,000 fine
Idaho	Idaho Code § 49-944 (Prohibition) Idaho Infraction Rule 9 (Penalty)	Infraction	\$57.00 fine set by Court Rule
Montana	Mont. Code § 61-9-429 (Prohibition) Mont. Code § 46-18-212 (Penalty)	Misdemeanor	\$500 fine and/or six months in jail
Nevada	Nev. Rev. Stat. § 484.6195 (Prohibition) Nev. Rev. Stat. § 484.999 (Classification) Nev. Rev. Stat. § 193.150 (Penalty)	Misdemeanor	\$1,000 fine and/or six months in jail
New Mexico	N.M. Stat. § 66-30846.1	Petty Misdemeanor	\$75 fine
Oregon	O.R.S. § 815.221 (Prohibition) O.R.S. § 815.222 (Penalty) O.R.S. § 153.138 (Fine Schedule) O.R.S. § 153.800 (Violations Clerk)	"Illegal Window Tinting"	Fine amount set by the Violations Bureau of the presiding Court
Utah	Utah Code § 41-6a-1635 (Prohibition) Utah Code § 41-6a-202 (Classification) Utah Code § 76-3-301 (Penalty)	Class C Misdemeanor	\$750 fine
Washington	RCW § 46.37.430 (Prohibition) RCW § 46.37.435 (Classification) RCW § 9A.20.021 (Penalty)	Misdemeanor	\$1,000 fine and/or ninety days in jail

**Notes:** All but two of the states we reviewed allow courts the discretion to set actual penalties at any level below the statutory maximum. Two states--Idaho and Oregon--have fixed fines. Idaho sets its fine in Court Rule while Oregon allows fines to be set by the "Violations Bureau" of each local jurisdiction.

**Source:** Lexis database of states' laws

I hope you find this information to be useful. Please do not hesitate to contact us if you have questions or need additional information.



# STATE WINDOW TINTING RULES & LAWS

ST	YEAR	TYPE	% OF VISIBLE LIGHT TRANSMISSION						% OF REFLECTIVITY		RESTRICTED COLORS		LAFEMIRR	CERTY	STOR/LOC	MEDICAL
			WIND	FRONT SIDE		REAR		FRONT	REAR	ALL GLASS	LAFEMIRR	CERTY				
				SHIELD	(MPV)	(MPV)	(MPV)									
AL	98	NET	6"	32	32	ANY	32	ANY	20	20	N/S	NO	YES	SPEC / ALL	YES	
AK	94	NET	5"	70	40	ANY	40	ANY	NMMA	NMMA	R, A, Y	NO	NO	NO	YES	
AZ	94	NET	AS1	33	ANY	ANY	ANY	ANY	35	35	R, A	YES	NO	NO	YES	
AR	92	NET	5"	25	25	10	10	10	NR	NR	N/S	NO	NO	SPEC / DRIVER	YES	
CA	99	NET	4"	70	ANY	ANY	ANY	ANY	MNR	MNR	R, A, B	YES	NO	NO	YES	
CO	95	NET	4"	NO	ANY	ANY	ANY	ANY	NMMA	NMMA	R, A	NO	NO	NO	NO	
CO	95	NET	4"	27	27	27	27	27	NMMA	NMMA	R, A	YES	NO	RECOMMEND	NO	
CT	84	NET	AS1	35	35	ANY	ANY	ANY	21	27	N/S	YES	YES	SPECIAL	NO	
DE	92	NET	AS1	70	ANY	ANY	ANY	ANY	NR	NR	N/S	YES	NO	SPEC / DRIVER	YES	
FL	91	NET	AS1	28	15	5	15	5	25	35	ALL	YES	NO	SPEC / DOOR	YES	
GA	2005	NET	6"	32	32	ANY	32	ANY	20	20	R, A	NO	NO	NO	YES	
HI	89	NET	4"	35	35	ANY	35	ANY	NR	NR	N/S	YES	NO	NO	NO	
IA	83	NET	AS1	70	ANY	ANY	ANY	ANY	NE	NE	N/S	NO	NO	NO	YES	
ID	92	FILM	AS1	35	20	ANY	35	ANY	35	35	N/S	YES	NO	NO	YES	
IL	98	NET	6"	NO	ANY	ANY	ANY	ANY	MBNR	MBNR	N/S	YES	NO	NO	YES	
IN	2003	VAGUE	AS1	30	30	VAGUE	30	VAGUE	25	25	N/S	NO	YES	NO	YES	
KS	87	NET	AS1	35	35	35	35	35	MBNR	MBNR	R, A, Y	YES	NO	RECOMMEND	NO	
KY	94	FILM	AS1	35	18	8	18	8	25	25	N/S	NO	YES	SPEC / DOOR	NO	
LA	93	NET	AS1	40	25	ANY	12	ANY	20	20	N/S	NO	YES	SPEC / DRIVER	YES	
MA	85	NET	6"	35	35	35	35	35	35	35	N/S	YES	NO	RECOMMEND	YES	
ME	1993	FILM	4"	50	50	ANY	50	ANY	MBNR	MBNR	N/S	YES	YES	NO	YES	
MD	95	NET	5"	35	35	ANY	35	ANY	NONE	NONE	R, A, Y	YES	YES	SPEC / ALL	YES	
MI	2000	NET	4"	4"	ANY	ANY	ANY	ANY	35	35	N/S	NO	NO	NO	YES	
MN	85	VAGUE	NO	50	50	**V	50	**V	20	20	N/S	NO	NO	SPEC / DRIVER	YES	
MO	2002	NET	AS1	35	ANY	ANY	ANY	ANY	35	35	N/S	YES	NO	NO	YES	
MS	2006	NET	AS1	28	28	ANY	28	ANY	20	20	N/S	NO	YES	SPEC / ALL	YES	
MT	91	FILM	AS1	35	20	ANY	20	ANY	35	35	N/S	NO	NO	RECOMMEND	YES	
NC	2001	NET	AS1	35	35	ANY	35	ANY	20	20	R, A, Y	YES	NO	NO	YES	
ND	2003	NET	70	50	ANY	ANY	ANY	ANY	NR	NR	N/S	YES	NO	NO	NO	
NE	2006	NET	AS1 OR 5"	35	20	35	20	35	35	35	**R, A, Y	VAGUE	NO	NO	YES	
NH	90	NET	6"	NO	35	ANY	35	ANY	NR	NR	N/S	YES	NO	RECOMMEND	NO	
NJ	2003	NET	NO	NO	ANY	ANY	ANY	ANY	NMMA	NMMA	N/S	YES	NO	NO	YES	
NM	87	NET	AS1 OR 5"	20	20	ANY	20	ANY	NONE	NONE	**R, A, Y	YES	YES	SPEC / ALL	YES	
NV	93	NET	AS1	35	ANY	ANY	ANY	ANY	NONE	NONE	N/S	YES	YES	NO	YES	
NY	91	NET	6"	70	70	ANY	ANY	ANY	NR	NR	N/S	YES	NO	SPEC / ALL	YES	
OH	2004	NET	70	50	ANY	ANY	ANY	ANY	MNR	MNR	R, Y	YES	YES	SPECIAL	YES	
OK	2005	NET	AS1 OR 5"	25	25	ANY	25	ANY	25	25	N/S	YES	YES	NO	YES	
OR	2003	NET	6"	35	35	ANY	35	ANY	13	13	R, B, A, Y, BK	YES	YES	NO	YES	
PA	99	NET	NO	70	70	ANY	70	ANY	NR	NR	N/S	YES	NO	SPEC / REAR	YES	
RI	2000	NET	AS1	70	70	ANY	70	ANY	NONE	NONE	N/S	NO	NO	NO	YES	
SC**	92	NET	AS1	27	27	ANY**	27	ANY	MBNR	MBNR	R, A, Y	YES	YES	SPEC / ALL	YES	
SD	89	NET	AS1	35	20	NR	20	NR	NR	NR	N/S	NO	YES	SPEC / ALL	YES	
TN	90	NET	AS1	35	35	ANY	35	ANY	NR	NR	N/S	NO	NO	SPEC / ALL	YES	
TX	2003	NET	AS1 OR 5"	29	25	ANY	ANY	ANY	25	25	R, B, A	YES	YES	SPEC / DRIVER	YES	
UT	2005	NET	AS1	43	ANY	ANY	ANY	ANY	NMMA	NMMA	N/S	YES	NO	NO	YES	
VT	84	NET	AS1	NO	ANY	ANY	ANY	ANY	NR	NR	N/S	YES	NO	NO	NO	
VA	99	NET	AS1	50	33	ANY	33	ANY	20	20	R, A, Y	YES	NO	NONE	YES	
WA	93	FILM	6"	35	35	ANY	35	ANY	35	35	R, Y, G, BK	YES	YES	SPEC / DRIVER	YES	
WI	98	NET	AS1	50	35	35	35	35	MBNR	MBNR	N/S	YES	NO	NO	YES	
WV	91	NET	5"	35	35	ANY	35	ANY	20	20	R, A, Y	YES	YES	SPEC / ALL	YES	
WY	08	NET	AS1 OR 5"	28	28	ANY	28	ANY	20	20	N/S	YES	NO	NO	YES	
Wash., DC	NET	AS1 OR 5"	70	50	35	50	35								YES	

This information is prepared for IWFA members by the Legislative Committee and consultants and represents our understanding of the law, regulations and rules of the states published in it. If you are an IWFA member and you have questions on these interpretations, call the IWFA office. In all cases, refer to your local authority for current laws, rules or regulations. Your current state law is the final authority.

\* Medical Exemption Day Time Only      \*\*Pick-Up Trucks are not considered MPV's      \*\*\*Above AS1 only  
 \*\*V - exemption for vans and pickups (50%) with SUV replacement at factory level only

**LEGENDS:**  
 NET = 99% refers to the combined LT of film and glass  
 Reflectivity: NR = NOT REGULATED, NE = NOT EXCESSIVE (NOT SPECIFIC), MBNR = MUST BE NON-REFLECTIVE (NOT SPECIFIC),  
 MBNR = MUST NOT INCREASE REFLECTIVITY, NMMA = NO METALLIC OR MIRRORED APPEARANCE, NONE = NO REFERENCE  
 TO REFLECTIVITY IN THE CURRENT LAW  
 Colors: R = RED, A = AMBER, Y = YELLOW, B = BLUE, G = Gold, BK = BLACK, N/S = NOT SPECIFIED.

INTERNATIONAL WINDOW FILM ASSOCIATION  
 P.O. Box 3871  
 Martinsville, VA 24115-3871  
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 www.iwfa.com

More info can be found @ iwfa.com

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# STATE WINDOW TINTING RULES & LAWS

7/19/07 Updated			% OF VISIBLE LIGHT TRANSMISSION						% OF REFLECTIVITY		RESTRICTED COLORS	L&R MIRR	CERTIF	STCKR/LOC	MEDICAL
ST	YEAR	TYPE	WIND- SHIELD	F. SIDE	B. SIDE	B. SIDE	REAR	REAR	F. SIDE	B. SIDE	ALL GLASS	REQ.	REQ.		
ENACTED				(car)	(MPV)	(car)	(MPV)	(SEE LEGEND)	(SEE LEGEND)	(SEE LEGEND)					
AL	98	NET	6"	32	32	ANY	32	ANY	20	20	N/S	NO	YES	SPEC / ALL	YES
AZ	94	NET	AS1	33	ANY	ANY	ANY	ANY	35	35	R. A	YES	NO	NO	YES
AR	9	NET	5"	25	25	10	10	10	NR	NR	N/S	NO	NO	SPEC / DRIVER	YES
CA															
CO	95	NET	4"	NO	ANY	ANY	ANY	ANY	NMMA	NMMA	R. A	NO	NO	NO	NO
CO	95	NET	4"	27	27	27	27	27	NMMA	NMMA	R. A	YES	NO	RECOMMEND	NO
CT	94	NET	AS1	35	35	ANY	ANY	ANY	21	27	N/S	YES	YES	SPEC/ALL	NO
DE									NR	NR	N/S	YES	NO	SPEC / DRIVER	YES
FL	91	NET	AS1	28	15	6	15	6	25	35	ALL	YES	NO	SPEC / DOOR	YES
GA	2005	NET	6"	32	32	ANY	32	ANY	20	20	R. A	NO	NO	NO	YES
HI	89	NET	4"	35	35	ANY	35	ANY	NR	NR	N/S	YES	NO	NO	NO
IA									NE	NE	N/S	NO	NO	NO	YES
ID	82	FILM	AS1	35	20	ANY	35	ANY	35	35	N/S	YES	NO	NO	YES
IL									MBNR	MBNR	N/S	YES	NO		YES
IN	2003	VAGUE	AS1	30	30	VAGUE	30	VAGUE	25	25	N/S	NO	YES	NO	YES
KS	87	NET	AS1	35	35	35	35	35	MBNR	MBNR	R. A. Y	YES	NO	RECOMMEND	NO
KY	94	FILM	AS1	35	18	8	18	8	25	25	N/S	NO	YES	SPEC/DOOR	NO
LA	93	NET	AS1	40	25	ANY	12	ANY	20	20	N/S	NO	YES	SPEC / DRIVER	YES
MA	85	NET	6"	35	35	35	35	35	35	35	N/S	YES	NO	RECOMMEND	YES
ME	1993	FILM	4"	50	50	ANY	50	ANY	MBNR	MBNR	N/S	YES	YES	NO	YES
MD	95	NET	5"	35	35	ANY	35	ANY	NONE	NONE	R. A. Y	YES	YES	SPEC/ALL	YES
MI	2000	NET	4"	4"	ANY	ANY	ANY	ANY	35	35	N/S	NO	NO	NO	YES
MN	85	VAGUE	NO	50	50	***V	50	***V	20	20	N/S	NO	NO	SPEC/DRIVER	YES
MO	2002	NET	AS1	35	ANY	ANY	ANY	ANY	35	35	N/S	YES	NO	NO	YES
MS	2006	NET	AS1	28	28	ANY	28	ANY	20	20	N/S	NO	YES	SPEC / ALL	YES
MT	81	FILM	AS1	35	20	ANY	20	ANY	35	35	N/S	NO	NO	RECOMMEND	YES
NC	2001	NET	AS1	35	35	ANY	35	ANY	20	20	R. A. Y	YES	NO	NO	YES
ND	2003	NET	70	50	ANY	ANY	ANY	ANY	NR	NR	N/S	YES	NO	NO	NO
NE	2006	NET	AS1 OR 5"	35	20	35	20	35	35	35	***R. A. Y	VAGUE	NO	NO	YES
NH	2003	NET	NO	NO	ANY	ANY	ANY	ANY	NMMA	NMMA	N/S	YES	NO		YES
NM	97	NET	AS1 OR 5"	20	20	ANY	20	ANY	NONE	NONE	***R. A. Y	YES	YES	SPEC / ALL	YES
NV	93	NET	AS1	35	ANY	ANY	ANY	ANY	NONE	NONE	N/S	YES	YES	NO	YES
OH	2004	NET	70	50	ANY	ANY	ANY	ANY	MNIR	MNIR	R. Y	YES	YES	SPEC/ALL	YES
OK	2005	NET	AS1 OR 5"	25	25	ANY	25	ANY	25	25	N/S	YES	YES	NO	YES
OR	2003	NET	6"	35	35	ANY	35	ANY	13	13	R. G. A. Y. BK	YES	YES	NO	YES
SC**	92	NET	AS1	27	27	ANY**	27	ANY	MBNR	MBNR	R. A. Y	YES	YES	SPEC / ALL	YES
SD	89	NET	AS1	35	20	NR	20	NR	NR	NR	N/S	NO	YES	SPEC / ALL	YES
TN	90	NET	AS1	35	35	ANY	35	ANY	NR	NR	N/S	NO	NO	SPEC / ALL	YES
TX	2003	NET	AS1 OR 5"	25	25	ANY	ANY	ANY	25	25	R. B. A	YES	YES	SPEC / DRIVER	YES
UT	2005	NET	AS1	43	ANY	ANY	ANY	ANY	NMMA	NMMA	N/S	YES	NO	NO	YES
VT	94	NET	AS1	NO	ANY	ANY	ANY	ANY	NR	NR	N/S	YES	NO	NO	NO
VA	99	NET	AS1	50	35	ANY	35	ANY	20	20	R. A. Y	YES	NO	NONE	YES
WA	93	FILM	6"	35	35	ANY	35	ANY	35	35	R. Y. G. BK	YES	YES	SPEC / DRIVER	YES
WI	96	NET	AS1	50	35	35	35	35	MBNR	MBNR	N/S	YES	NO	NO	YES
WV	91	NET	5"	35	35	ANY	35	ANY	20	20	R. A. Y	YES	YES	SPEC / ALL	YES
WY	98	NET	AS1 OR 5"	28	28	ANY	28	ANY	20	20	N/S	YES	NO	NO	YES

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\* Medical Exemption Day Time Only      \*\*Pick-Up Trucks are not considered MPV's      \*\*\*Above AS1 only  
 \*\*\*V--"exemption for vans and pickups (50%) with SUV replacement at factory level only"

**LEGENDS:**

NET = VLT% refers to the combined LT of film and glass  
 Reflectivity: NR = NOT REGULATED. NE = NOT EXCESSIVE (NOT SPECIFIC). MBNR = MUST BE NON - REFLECTIVE (NOT SPECIFIC).  
 MNIR = MUST NOT INCREASE REFLECTIVITY. NMMA = NO METALLIC OR MIRRORRED APPEARANCE. NONE = NO REFERENCE TO REFLECTIVITY IN THE CURRENT LAW  
 Colors: R = RED, A = AMBER, Y = YELLOW, B = BLUE, G = Gold, BK = BLACK, N/S = NOT SPECIFIED.

**INTERNATIONAL WINDOW FILM ASSOCIATION**

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A

# STATE WINDOW TINTING RULES & LAWS

7/19/07 Updated			% OF VISIBLE LIGHT TRANSMISSION						% OF REFLECTIVITY		RESTRICTED COLORS				
ST	YEAR	TYPE	WIND	F SIDE	B SIDE	R SIDE	REAR	REAR	F SIDE	B SIDE	ALL GLASS	L&R MIRR	CERTIF	STCKR/LOC	MEDICAL
ENACTED			SHIELD	(car)	(MPV)	(car)	(MPV)	(SEE LEGEND)	(SEE LEGEND)	REQ	REQ				
AL	96	NET	6"	32	32	ANY	32	ANY	20	20	N/S	NO	YES	SPEC / ALL	YES
AZ	94	NET	AS1	33	ANY	ANY	ANY	ANY	35	35	R, A	YES	NO	NO	YES
AR	93	NET	5"	25	25	10	10	10	NR	NR	N/S	NO	NO	SPEC / DRIVER	YES
CA	89	NET	4"	70	ANY	ANY	ANY	ANY	MNIR	MNIR	R, A, B	YES	NO	NO	YES*
CO	95	NET	4"	NO	ANY	ANY	ANY	ANY	NMMA	NMMA	R, A	NO	NO	NO	NO
CO	95	NET	4"	27	27	27	27	27	NMMA	NMMA	R, A	YES	NO	RECOMMEND	NO
CT	94	NET	AS1	35	35	ANY	ANY	ANY	21	27	N/S	YES	YES	SPEC/ALL	NO
DE	92	NET	AS1	70	ANY	ANY	ANY	ANY	NR	NR	N/S	YES	NO	SPEC / DRIVER	YES
FL	91	NET	AS1	28	15	6	15	6	25	35	ALL	YES	NO	SPEC / DOOR	YES
GA	2005	NET	6"	32	32	ANY	32	ANY	20	20	R, A	NO	J	NO	YES
HI	89	NET	4"	35	35	ANY	35	ANY	NR	NR	N/S	YES	NO	NO	NO
IA	83	NET	AS1	70	ANY	ANY	ANY	ANY	NE	NE	N/S	NO	NO	NO	YES
ID	92	FILM	AS1	35	20	ANY	35	ANY	35	35	N/S	YES	NO	NO	YES
IL	98	NET	6"	NO	ANY	ANY	ANY	ANY	MBNR	MBNR	N/S	YES	NO	NO	YES
IN	2003	VAGUE	AS1	30	30	VAGUE	30	VAGUE	25	25	N/S	NO	YES	NO	YES
KS	87	NET	AS1	35	35	35	35	35	MBNR	MBNR	R, A, Y	YES	NO	RECOMMEND	NO
KY	94	FILM	AS1	35	18	8	18	8	25	25	N/S	NO	YES	SPEC/DOOR	NO
LA	93	NET	AS1	40	25	ANY	12	ANY	20	20	N/S	NO	YES	SPEC / DRIVER	YES
MA	85	NET	6"	35	35	35	35	35	35	35	N/S	YES	NO	RECOMMEND	YES
ME	1993	FILM	4"	50	50	ANY	50	ANY	MBNR	MBNR	N/S	YES	YES	NO	YES
MD	95	NET	5"	35	35	ANY	35	ANY	NONE	NONE	R, A, Y	YES	YES	SPEC/ALL	YES
MI	2000	NET	4"	4"	ANY	ANY	ANY	ANY	35	35	N/S	NO	NO	NO	YES
MN	85	VAGUE	NO	50	50	***V	50	***V	20	20	N/S	NO	NO	SPEC/DRIVER	YES
MO	2002	NET	AS1	35	ANY	ANY	ANY	ANY	35	35	N/S	YES	NO	NO	YES
MS	2006	NET	AS1	28	28	ANY	28	ANY	20	20	N/S	NO	YES	SPEC / ALL	YES
MT	91	FILM	AS1	35	20	ANY	20	ANY	35	35	N/S	NO	NO	RECOMMEND	YES
NC	2001	NET	AS1	35	35	ANY	35	ANY	20	20	R, A, Y	YES	NO	NO	YES
ND	2003	NET	70	50	ANY	ANY	ANY	ANY	NR	NR	N/S	YES	NO	NO	NO
NE	2006	NET	AS1 OR 5"	35	20	35	20	35	35	35	***R, A, Y	VAGUE	NO	NO	YES
NJ	2003	NET	NO	NO	ANY	ANY	ANY	ANY	NMMA	NMMA	N/S	YES	NO	NO	YES
NM	97	NET	AS1 OR 5"	20	20	ANY	20	ANY	NONE	NONE	***R, A, Y	YES	YES	SPEC / ALL	YES
NV	93	NET	AS1	35	ANY	ANY	ANY	ANY	NONE	NONE	N/S	YES	YES	NO	YES
OH	2004	NET	70	50	ANY	ANY	ANY	ANY	MNIR	MNIR	R, Y	YES	YES	SPEC/ALL	YES
OK	2005	NET	AS1 OR 5"	25	25	ANY	25	ANY	25	25	N/S	YES	YES	NO	YES
OR	2003	NET	6"	35	35	ANY	35	ANY	13	13	R, G, A, Y, BK	YES	YES	NO	YES
SC**	92	NET	AS1	27	27	ANY**	27	ANY	MBNR	MBNR	R, A, Y	YES	YES	SPEC / ALL	YES
SD	89	NET	AS1	35	20	NR	20	NR	NR	NR	N/S	NO	YES	SPEC / ALL	YES
TN	90	NET	AS1	35	35	ANY	35	ANY	NR	NR	N/S	NO	NO	SPEC / ALL	YES
TX	2003	NET	AS1 OR 5"	25	25	ANY	ANY	ANY	25	25	R, B, A	YES	YES	SPEC / DRIVER	YES
UT	2005	NET	AS1	43	ANY	ANY	ANY	ANY	NMMA	NMMA	N/S	YES	NO	NO	YES
VT	84	NET	AS1	NO	ANY	ANY	ANY	ANY	NR	NR	N/S	YES	NO	NO	NO
VA	99	NET	AS1	50	35	ANY	35	ANY	20	20	R, A, Y	YES	NO	NONE	YES
WA	93	FILM	6"	35	35	ANY	35	ANY	35	35	R, Y, G, BK	YES	YES	SPEC / DRIVER	YES
WI	96	NET	AS1	50	35	35	35	35	MBNR	MBNR	N/S	YES	NO	NO	YES
WV	91	NET	5"	35	35	ANY	35	ANY	20	20	R, A, Y	YES	YES	SPEC / ALL	YES
WY	96	NET	AS1 OR 5"	28	28	ANY	28	ANY	20	20	N/S	YES	NO	NO	YES

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\* Modified Exemption Day Time Only      \*\*This Exemption is not considered MPV's      \*\*\*State's Only  
 \*\*\*V - exemption for vans and pickups (50% with SUV replacement at factory level only)

**LEGENDS:**

NET = VLT refers to the percentage of visible light  
 Reflectivity NR = NOT REGULATED NE = NOT EXCESSIVE (NOT SPECIFIED) MBNR = MUST BE NON-REFLECTIVE (NOT SPECIFIED)  
 MNIR = MUST NOT INCREASE REFLECTIVITY NMMA = NOT MIRROR OR MIRRORED APPEARANCE NONE = NO REFERENCE TO REFLECTIVITY IN THE CURRENT LAW  
 Colors: R = RED A = AMBER Y = YELLOW B = BLUE G = GREEN BK = BLACK N/S = NOT SPECIFIED

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## OPINION

Anchorage Daily News (AK) - April 6, 2007

*Author: Staff*

Too dark

Why is it legal to sell this product?

In Alaska, it is illegal to drive a car with tinted front **windows** that screen out more than 30 percent of the light. Back **windows** can screen out no more than 60 percent of the light.

However, it is not illegal for an Alaska business to install **window tinting** that violates the law.

This makes no sense. It's like saying, "It's illegal to smoke marijuana, but if you want to sell it to somebody, -- sure, go ahead. You're not breaking the law. Your customers are."

There are good reasons for limiting how dark a vehicle's front **windows** can be. At about sunrise and sunset, dark **tinting** makes it harder for drivers to see potential hazards. In many situations, safety requires pedestrians, bicyclists and other motorists to make eye contact with another driver.

Heavily tinted **windows** are also a threat to police officers when they need to stop a vehicle. Officers can't see whether the motorist is going to be cooperative or draw a weapon.

Anchorage Sen. Hollis French wants to close the loophole that allows **window - tinting** businesses to profit from selling an illegal product. His measure, Senate Bill 78, would stop the problem at the source, instead of requiring police to chase down customers who might not know they had spent their hard-earned money to break the law.

Sen. French's original proposal made it a misdemeanor to sell illegally tinted **window** installations. That was probably too harsh, and it would have been too cumbersome to enforce. The latest version of his bill fixes that flaw by letting police issue a ticket to the business doing the installing.

After police write a few tickets, businesses should get the message: There's no profit in selling a product that violates the law.

**BOTTOM LINE:** Tinted car **windows** are illegal and businesses shouldn't profit from installing them.

**Jane Pierson**

---

**From:** Dan Hoffman [dphoffman@ci.fairbanks.ak.us]  
**Sent:** Tuesday, April 01, 2008 11:47 AM  
**To:** Jane Pierson  
**Cc:** bobb@autotrimdesignalaska.com  
**Subject:** SB 78- Window Tinting [SCANNED]  
**Attachments:** SB 78- Window tint.doc

Good morning Jane-

I spoke this morning with Bob at AutoTrim Design, & let him know that I would be sending you a subsequent communication. For Bob's benefit, I'm also attaching a copy of a letter I sent approx. one year ago on this same topic.

As reflected in my earlier letter, my primary concern is that there should be a penalty involved for any installer who knowingly installs an illegal window-tint. As I related in the letter, (and in my subsequent conversation w/Bob) if installers such as AutoTrim Design do not feel that these window-tinting requirements are fair or proper, they need to work with the legislature to change the underlying Administrative Regulation which mandates the level of allowable light-transmittance.

From speaking with Bob, it is my understanding that this is the avenue he is now pursuing. I know that Alaska is currently among the most restrictive states when it comes to the level of allowable tinting, and I could certainly support a *reasonable* lessening of these levels, provided that they still comport with the majority of other States' established standards, and- most importantly- allow for adequate visibility for approaching law enforcement officers.

I don't purport to be an expert on this subject, and as such I'm somewhat uncomfortable trying to "commit" to some certain defined transmittance-level. As we discussed, I believe it'd be proper to look at other similar states, & perhaps see if a similar/compromise level could be reached.

Thanks for your time and attention on this issue!

-Dan Hoffman, Chief  
Fairbanks Police Department

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## FAIRBANKS POLICE DEPARTMENT

911 Cushman Street  
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March 27, 2007

**RE: SB 78**

To Whom It May Concern:

I am writing to voice my support for Senate Bill 78, which would make it a violation to install illegal window-tinting. For some time now, the State of Alaska has required that front passenger windows on a vehicle allow 70% transmittal of light, with rear windows having a limit of 40% transmittance. These regulations were supported by our State's Department of Public Safety for a variety of safety reasons, to include:

- The necessity for drivers to see outside of their vehicle clearly
- The necessity for pedestrians and other drivers to make eye-contact with a vehicle's operator when preparing to cross a street, enter traffic, etc.
- The legitimate safety need for police officers and other first-responders to be able to see into a vehicle upon their approach.

In spite of these common-sense regulations, it appears that numerous businesses have engaged in the practice of installing window-tinting which exceeds these standards. It has further come to my attention that many of these businesses have voiced opposition to SB 78, citing that it would hurt their respective business operations.

While I understand these business-owner's concerns, I would respectfully suggest that their efforts are somewhat misplaced. If these businesses feel that current window-tint requirements are unduly restrictive, they should be working to change the underlying administrative regulation (13AAC 04.223). Regardless of whether or not a business owner personally agrees with current tint-requirements, *they all know what the current law is*. For them to consciously disregard that law and install a window-tint which they know to be illegal (and passing on the subsequent cost, for both the violation and tint-removal, to their often ignorant and unsuspecting customers) is wrong, and should not be allowed to continue.

Sincerely,

A handwritten signature in black ink that reads "Daniel P. Hoffman". The signature is written in a cursive style with a long horizontal flourish at the end.

Daniel P. Hoffman, Chief  
Fairbanks Police Department

**Emily Beatley**

---

**From:** Paul Lindhag [plindhag@northpolepolice.org]  
**Sent:** Tuesday, April 01, 2008 2:23 PM  
**To:** Rep. Jay Ramras; Emily Beatley; Jane Pierson  
**Subject:** Tinting regulations

Dear Alaska State Legislators,

Today I had the opportunity to speak with Mr. Bob Boswood (President of Auto Trim Design of Fairbanks Inc) and view his personal truck outside which has had the front windows tinted to 35% tint/light transmission. Based upon my conversation with Mr. Boswood and seeing the transparency of 35% light transmission tint on his truck I agree that this level of tint presents no safety issues and I urge you to pass an amendment to SB78 modifying 13 ACC 04.223 to allow 35% light transmission tint on the front passenger and drivers windows of commercial and multipurpose vehicles and a maximum of 35% light transmission tint on all passenger car windows.

If you have any questions, please feel free to contact me at 907-488-6902 or you can email me at plindhag@northpolepolice.org. Thank you for your consideration.

Paul C. Lindhag  
Chief of Police  
North Pole Police Department  
Work: (907) 488-6902  
Fax: (907) 488-5299

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March 21, 2008

The Honorable Jay Ramras  
Judiciary Chair  
State Capital, Room 118  
Juneau, Alaska 99701

Representative Ramras,

I am writing to you regarding our desire to utilize Senate Bill 78, introduced by Senator Hollis French, as a vehicle to address some longstanding concerns with the current regulatory provisions contained in 13 AAC 04.223.

We have been working for over a year with one of your constituents, Mr. Bob Boswood, who is the owner of Auto Trim Design of Fairbanks, and his employee, Mr. Andrew Felt, to address the window film issue in Alaska in a proactive and supportive manner. I am the Executive Director of the International Window Film Association, and we have been actively working with Mr. Felt through our industry's Legislative Consultant, Lynwood Butner, since Senate Bill 78 was introduced in February, 2007, to provide relevant information and to participate in the process that will impact Alaska's statewide businesses in the future.

Initially, I should advise that as an industry we do not support the use of illegal tint and work with all states and the enforcement communities in state, provincial, and local areas to establish reasonable regulations that can be consistently enforced. As an industry, we support penalty provisions for the installation and use of illegal film products. It seems that as an industry we are always working to address the misconception that window film products are only available in the versions installed illegally that darken windows to the extent there are concerns for and by the enforcement community. As an association, we are working through the American Association of Motor Vehicle Administrators (AAMVA) to address this issue with the state and provincial enforcement communities to better communicate the value of our products for safety, security, ultraviolet protection-all environmentally friendly products that add value to the consumer if utilized properly and safely.

I want to emphasize our industry's approach recognizes the necessity of proactive partnership and continual support of and communication with the law enforcement community. We have worked successfully in a number of states and provinces to complement legislatures and the law enforcement communities through industry and

consumer education to achieve a better understanding of the necessity of complying with statutory provisions. We appreciate and support the professional concerns of the law enforcement community and have been successful in achieving the implementation of reasonable standards that protect the safety of our enforcement community and provide the many benefits of our product to the consumer.

I am attaching the reference material provided by our industry as a Model Law which contains information on very specific standards such as the Federal Motor Vehicle Safety Standard 205, which is currently referenced in Alaska's regulations, as well as definitions, and model legislation. This perhaps can be of assistance to Ms. Jane Pierson of your staff in assessing potential amendments to compliment Senate Bill 78 which will be business-friendly as well as address the concerns relative to the use of illegal tint. I note that we fully support the initiative of Senator French and concur with his sponsor's statement that it should be "illegal for a vehicle to be on Alaska's roads if the window tinting allows less than thirty percent light to transmit through the glass." We would even be receptive to having identification of the installers provided on each vehicle to assist law enforcement in identifying the installer which could perhaps make Senator French's proposed legislation even more effective.


We ask your consideration of several areas in particular that would greatly assist our members and the consumers in Alaska. The current limit on the front side windows adjacent to the driver and front seat passenger is 70 percent. This is essentially the level of visible light transmittance (vlt) allowed for original equipment manufactured vehicles. I think Mr. Boswood and Mr. Felt have discussed the need to allow for the use of 35 percent film on the front side windows. This would result in a visible light transmittance in the range of the 30 percent advocated by Senator Hollis. This change would not be significantly noticeable from an enforcement perspective but would provide for the comfort, safety, and health benefits not available through factory glass for the consumer. We would also strongly encourage the same standard for the passenger vehicle as currently provided for the multipurpose vehicle. We should not penalize the consumer who chooses to purchase a more fuel efficient vehicle to adhere to a greater standard than those authorized under current statutory provisions. This level would be consistent with those states such as Montana, Idaho, and North Dakota which are most similar to Alaska in the western portion of the country and also have similar weather and demographics as Alaska. We also will work with the enforcement personnel to implement regulations for effective enforcement and inspection needed to administer the law, because a well-intentioned law without an effective means of enforcement will not hold up in the courts and will not be constructive.

Alaska already has exemptions for limousines and passenger buses, multipurpose vehicles (pickup trucks, vans, and SUV's), and for vehicles transporting occupants with certified medical conditions. We suggest an exemption could also be considered for enforcement vehicles which is common in most states due to the nature of work and time spent in the vehicles. This is particularly true for any canine units in the Alaskan enforcement community.

We sincerely appreciate your support of the business community in Alaska, your desire to address our business concerns, and your willingness to work to make statutory provisions and regulations reasonable for the consumer, enforcement community, as well as the businesses such as the one operated by Mr. Boswood. We also appreciate the assistance provided by your legislative assistant, Ms Jane Pierson, as we have attempted to address our concerns with the enactment of Senate Bill 78 without addressing the related issues of tinting laws and standards. Your desire to strengthen Senator French's legislation with enhanced regulatory provisions will address these issues in a much broader and more effective context.

If we can be of any further assistance or provide you with more information, please do not hesitate to advise.

Regards,

A handwritten signature in black ink that reads "Darrell L. Smith". The signature is written in a cursive style with a large initial "D".

Darrell Smith  
IWFA Executive Director

cc: Bob Boswood  
Andrew Felt  
Lynwood Butner



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## Model Law

### Suggested Model Legislation for Automotive Window Tinting

Model legislation that is applicable to each and every jurisdiction is not possible because most jurisdictions amend existing safety or glazing statutes to restrict window film. Generally, the law that sets the standard for window film also specifies the restriction for signs, decals, and stickers.

### Introduction & Issues

Federal Motor Vehicle Safety Standard 205 specifies the amount of tinting that is allowed in the new motor vehicles prior to the sale of the vehicle. Following the sale of the new vehicle, window tinting is regulated by the individual states.

Federal Standard 205 is silent with respect to the windows to the rear of the driver and the front seat passengers on multi-purpose vehicles; therefore, the purchaser of a new vehicle may specify unlimited tinting on the vehicles. Individual jurisdictions usually also allow unlimited tinting on the rear of multi-purpose vehicles provided the vehicle is equipped with outside mirrors.

Most (90%) of windows in new motor vehicles have some tinting. Once after market window film is applied, it is almost impossible and certainly not practical to measure the light transmittance of the glass and the film separately. Accordingly, it is strongly recommended that legislation specify the minimum total light transmittance of the factory glass and the after market film.

Legislation should be written to allow practical enforcement. It should be a violation to operate a vehicle in violation of the statute and also to install film that reduces the light transmittance to a level not in compliance with the law. Portable, hand-held light meters are now available that are simple to operate, reasonably inexpensive and accurate within plus or minus 2% points. When laws are not enforced, dark film causes concern by law enforcement and encourages further abuse of the law. The window film industry strongly supports enforcement and will loan light meters to law enforcement for training and demonstration.

Generally, convictions will be obtained with a 5% net light transmission tolerance, the practical limit of measurement with this issue. Variance levels in light meters and film manufacturers will not allow a tougher standard. Most important is that

the 5% tolerance is not discernible by the human eye or of any safety consequence.

Some jurisdictions attempt to regulate film by requiring the installer to place a decal or sticker between the film and the glass that certifies compliance and identifies the installer by name and address. This method has had limited success because of fraudulent stickers and film that is applied by non-professionals.

State law regulations, in recent years, specify the minimum visible light transmission required by motor vehicle windows. Light meters are required to measure the light transmission.

Generally, the legislation will delegate by statutes to the appropriate oversight agency the responsibility of establishing technical criteria and performance standards the manufacturers must incorporate in the meter.

The state oversight agency will also adopt uniform operating instructions.

The International Window Film Association will provide recommended technical data, criteria, and testing standards for light meters. The Association will also recommend operating guidelines and instruction for usage of the meter upon request.

### **Summary**

The public installs film for various reasons, the dominant ones being comfort, health, and safety. Some prefer it for aesthetics. Window film, like many other products, is available in varying degrees of effectiveness. High performance films are available from almost all manufacturers, which reject 45-55% of the heat and 95-99% of the ultra-violet rays. The right of the public to use film should not be ignored.

Understanding the issues, getting the facts, and looking for compromise, while maintaining and displaying respect for the positions of each party, are keys to good legislation that is acceptable to law enforcement, the public, and the industry.

### **Definitions:**

As used in this section:

**Tinting film** means any material or substance that is designed to be used in conjunction with motor vehicle safety glazing materials for reducing the effects of the sun.

**Reflectance** means the ratio of the amount of total light that is reflected outward by the product or material to the amount of total light falling on the product or material.

**Non-reflective** means a product or material designed to absorb light rather than to reflect it, not to exceed 20% luminous reflectance.

**Passenger car** means a motor vehicle with motive power, except a multipurpose passenger vehicle, motorcycle, or trailer, designed for carrying ten people or less.

**Multipurpose passenger vehicle** means a motor vehicle with motive power, except a trailer, designed to carry ten people or less that is constructed either on a truck chassis or with special features for occasional off-road operation.

**Truck** means a motor vehicle with motive power, except a trailer, designed primarily for the transportation of property or special purpose equipment.

**Bus** means a motor vehicle with motive power, except a trailer, designed for carrying more than ten people.

**Dealer** means any person or business engaged in the distribution or installation of sun screening products or materials designed to be used in conjunction with vehicle glazing materials for the purpose of reducing the effects of the sun.

Light meter means a high precision instrument designed to measure the percentage of light transmission through a semi-transparent glass such as a tinted automobile window. Manufacturers usually guarantee accuracy within +/- two percentage points; however, caution must be exercised.

#### **Model Legislation**

\_\_\_\_\_ (Jurisdiction) Acts of the Assembly

Chapter \_\_\_\_\_.

An Act to amend and reenact \_\_\_\_\_ (Code #) of the

Code of \_\_\_\_\_ relating to sun-shading and

tinting films on motor vehicles. Be it enacted by the

General Assembly of \_\_\_\_\_ (Jurisdiction),

that \_\_\_\_\_ of the Code of

\_\_\_\_\_ (Jurisdiction) is amended and

reenacted (or enacted) as follows.

1. Except as otherwise provided in this article or permitted by federal law, it shall be unlawful for any person to operate a motor vehicle that is registered or required to be registered in this State on any public highway, road, or street that has a tinting film on the windshield, the side windows adjacent to the right and left of the driver, the side windows to the rear of the driver, or rear windows that do not meet requirements of this section.
2. Tinting film when used in conjunction with the windshield or any other glazing throughout the vehicle must be a non-reflective type and may not be red, yellow, or amber in color. Tinting film may not be used on the windshield except along the top of the windshield and may not extend downward beyond the AS1 line or more than five inches from the top of the windshield, whichever is closer to the top of the windshield.
3. Tinting film, when used in conjunction with the safety glazing materials of the front side windows located at the immediate left and right of the driver, must have total light transmissions through both the window film and the glazing of not less than \_\_\_\_\_ percent.
4. Window film, when used in conjunction with the safety glazing materials of the side windows behind the driver and the rearmost window, must have a total light transmission through both the film and glazing of not less than \_\_\_\_\_ percent.
5. No tinting film may be applied or affixed to any window of a motor vehicle that has reflectance of light exceeding twenty percent (20%).
6. If any tinting film is added to any windows behind the operator, one left and one right outside rear view mirror shall be required.
7. The requirements of this section shall not apply to windows behind the driver of trucks, buses, recreational vehicles, vans, and multipurpose passenger vehicles.
8. No person or firm may apply or affix to the windows of any motor vehicle in this state tinting film that is not in compliance with requirements of this section. Additionally, the dealer shall affix a sticker between the film and the glass in the lower back corner of each glass that is visible from the outside of the vehicle, no larger than one (1) inch by two (2) inches which certifies compliance and identifies the installer by name and address.

Notwithstanding the foregoing provisions, a motor vehicle operated by or regularly used to transport any person with a medical condition which renders them susceptible to harm or injury from exposure to sunlight or bright artificial light may be equipped, on all the windows except the windshield, with tinting films that reduce the transmissions of light in to the vehicle to levels not less than twenty-five percent. Such tinting film may be applied to the windshield of a motor vehicle provided the total light transmittance is not reduced to any level less than seventy percent, except for the upper five inches of such windshield or the AS-1

line, whichever is closer to the top of the windshield. Vehicles equipped with tinting films shall not be operated on any highway unless, while being so operated, the driver or an occupant of the vehicle has in his possession a certificate issued by the \_\_\_\_\_ (Official responsible)

The \_\_\_\_\_ (Official responsible) shall issue such certificate only upon receipt of signed statement from a licensed physician or licensed optometrist (i) identifying with reasonable specificity the person seeking the certificate and (ii) stating that, in the physician's or optometrist's professional opinion, the equipping of vehicle with tinting film is necessary to safeguard the health of the person seeking the certificate. Certificates issued by the \_\_\_\_\_ (Official responsible) under this section shall be valid so long as the condition requiring the use of the tinting films persists or until the vehicle is sold, whichever first occurs. In the discretion of the \_\_\_\_\_ (Official responsible), one or more certificates may be issued to an individual or family.

Enforcement and regulatory (inspection) officials shall allow a tolerance of five percent when considering enforcement of punitive action.

"The State Department \_\_\_\_\_ shall determine the proper standards for equipment or devices used to measure light transmittance through the windows of motor vehicles as required by Section \_\_\_\_\_."

Any persons or business violating the provisions of this section is guilty of a misdemeanor and, upon conviction, may be fined.

The provisions of this section apply to all vehicles manufactured after the effective date of this act.

**Emily Beatley**

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**From:** Andrew Felt [andrewf@autotrimdesignalaska.com]  
**Sent:** Thursday, March 20, 2008 9:34 AM  
**To:** Jane Pierson  
**Subject:** State law chart (in color!) for window tint.  
**Attachments:** State Law Chart 7-19-07.xls

Jane,

Thank you for your time on Wednesday evening to talk about SB78.

I have attached the chart of state by state window tint laws with color coding to make it a little easier to decipher.

Green : States that allow at least 35% Visible Light Transmission (VLT)

Yellow : At least 50% VLT

Orange: Higher than 50% VLT, but less restrictive than Alaska in other areas

Red: As restrictive as Alaska for the most part.

As you will see, the majority of the states allow a VLT of 35% or less. I tallied the population of those state from the US Census, it came to 152 million people, over half the estimated population of the nation. In addition, all the western states, except California (which is more lenient than Alaska) allow a VLT of at least 35% on passenger car windows.

I hope this information is useful to you. Please call me with any questions. I am eager to help.

Andrew Felt  
Auto Trim Design of Fairbanks  
2550 S. Cushman  
Fairbanks, AK 99701  
907-388-2577 cell  
andrewf@autotrimdesignalaska.com

**Jane Pierson**

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**From:** Steve Vincent [SteveV@autotrimdesignalaska.com]  
**Sent:** Wednesday, March 19, 2008 7:09 PM  
**To:** Jane Pierson  
**Cc:** Rep. Jay Ramras; Bob Boswood  
**Subject:** How tint percentages work

This is just in case it's as confusing to you as it was to me at first.

The lower the number, the darker the tint. So, 100% is pure air in a vacuum. Almost any glass that is not a light collecting lens will have a 10% loss, or 90% tint.

Factory automotive front side window glass has a slight UV inhibitor and is 70% tint. Most normal "clear" eye glasses and most newer home windows are also at least 70% tint because of the slight UV inhibitor. Sun glasses/fashion glasses that have a light tint, a tint where you can see a person's eyes, eye lids, eye brows, wisdom wrinkles and so on with good definition would be about 30-35% tint. Sunglasses where you can see a persons eyes and some features around the eye would be about 20% tint. Sun glasses that have no reflective tint, but you still cannot see the persons eyes would be 5% tint or lower, also known as "heavy/dark/limo tint".

Thanks for you time,

Steve Vincent  
Director of Operations/General Manager  
Auto Trim Design of Fairbanks Inc  
2550 S. Cushman St.  
Fairbanks, Alaska, 99701  
907-456-8400 voice  
907-456-8406 fax

Dear Rep. Ramras,

While looking at additional data regarding SB78 we re-read Senator French's sponsor statement of SB78 and found that we agree with the sponsor statement's basis for SB78 as written. We also support SB78 with amendment to reflect the desires of the sponsor statement.

We agree with Senator French's first paragraph that dark tints, also known as "5% tint", "heavy tint", or "limo tint", installed on the front windows of any vehicle is a safety hazard from many aspects.

We agree with Senator French's second paragraph that 30% tint (known as medium light tint) should be the tint darkness limit on the front two windows of any vehicle. The International Window Film Association (IWFA) and the majority of the states in the union also recognize that automotive front window tint should be limited to 30%-35%. Steps should be taken to insure that 30% is the darkest allowable tint level on automotive front windows.

Although we feel SB78 will be difficult to enforce upon the majority of shade tree renegade tinters that are by and large responsible for the "heavy tint" installation on most vehicles and place most of the burden on legitimate business that have been self policing and not installing "heavy tint" on front windows for many years, we agree in principle with the last paragraph.

The problem with SB78 in its current form is that it does not reflect the change in 13 AAC 04.223, from 70% light transmittance to 30% light transmittance that Senator French refers to as a change that had already taken place in Alaska Law when he wrote his sponsor statement.\*

We request that an amendment be added to SB78 changing 13 AAC 04.223 to read in section (b), number (2) "the driver and front passenger side windows may have tinting material that permits at least 30 percent light transmittance;" This change would comply with and codify Senator French's wishes in his sponsor statement of SB78 and the wishes of the honorable members of the Senate and House that have reviewed SB78 to date, it will also bring Alaska into the twenty first century in regards to tint laws already in existence in the majority of the United States.

To not amend SB78 as we have proposed could make its passing into law illegal as the Sponsor Statement upon which it was based contains false information regarding Alaska Law. The amendment would nullify this problem.

A current list of state laws regarding tint and a copy of the SB78 sponsor statement is attached for your review.

\* Reference SB78 Sponsor Statement by Senator Hollis French:  
"Currently it is illegal for a vehicle to be on Alaska's roadways if the window tinting allows less than thirty percent of the light to transmit through the glass"

Steve Vincent  
Director of Operations/General Manager  
Auto Trim Design of Fairbanks Inc.  
2550 S. Cushman St.  
Fairbanks, Alaska, 99701  
907-456-8400 voice

456-8406 - FAX

Dear Senator French:

I am the owner of Shades of Competition Acc. Inc. For the past 22 years I have enjoyed earning my living as an automotive wire technician and window tint installer. My shop displays the current law relating to window tinting (13 AAC 04.223) at its cashier's counter and our customer receipts reiterate that clients are responsible for compliance with the law. As someone who takes pride in this livelihood, I am writing you about my concerns regarding Senate bill 78. I believe if you carefully consider this bill you will find that it is unfair in that it threatens the honest employment of me and my co-workers and that it would actually decrease, not increase, safety.

Senate bill 78 would not increase safety, but would shift the burden of law enforcement on window tinting facilities. By threatening penalties to respectable business establishments such as my own, safety will not be increased by causing existing law to be better enforced. The only way to prevent people from breaking the law is to hold them accountable for their actions.

Alaskans do not support public policy that encourages people to shift the blame for their actions to others. Rather, Alaska law reflects a value system that holds people accountable for their actions. Off-road shops that could have lifted vehicles higher than state standards are not responsible for cars on the road that may not comply with the law. Similarly, bartenders are not held responsible for customers that may later be found drunk in public. Senate bill 78 is detrimental to society at large because it encourages people to not take responsibility for their actions.

Additionally, Senate bill 78 does not change the amount of illegal window tinting on Alaska's roadways. This bill only shifts the burden of law enforcement to shops such as my own. Senate bill 78 would create inefficiencies for law enforcement trying to gather the evidence necessary to show which shop might have done which tint job. This increase in red tape would not be outweighed by any benefits in a decrease of actual illegal tinting. Car owners, not shop owners, choose to tint car windows.

Senate bill 78 would ultimately discourage shops who are familiar with legal standards from doing any window tinting. Individuals, however, would remain free to buy tint kits online or at Walmart and tint their cars to their liking. This bill would ultimately cause window tinting to not occur at all in car shops because of the liability exposure in performing such a service. The time and money shop owners as myself would spend defending ourselves against charges would not be outweighed by our window tinting revenue. My co-workers and I could no longer make an honest living with our trade.

I believe that by pushing window tinting into an underground market, tint standards would be harder to regulate and more illegal tinting would occur. Individuals are less likely to be aware of legal standards than shops such as my own who post the law. To avoid this, I encourage you to amend your bill to create a registration system. Safety would increase and I could continue to earn an honest living if customers were required to pay a state registration fee with any window tinting. With this registration fee,

customers would receive a window tint hologram certifying that a shop installed a tint job that complied with legal standards. Such a system would encourage responsible window tinting, protect shops from unfounded claims, and assist law enforcement by making compliance easier and generating revenue.

Still, as written Senate bill 78 would ultimately only cause the state's law enforcement to waste valuable resources and put window tinters out of business. This bill currently does not reflect Alaskan values and would actually decrease, not increase, safety in Alaskan communities. For these reasons, I strongly urge you to amend, if not withdraw, Senate bill 78.

Sincerely,

Cory Tipton

P.S. ① What if i get a speeding ticket. Will the state Fine the auto Maker that sold me the Vehicle? or me, the owner.

② if i ride my 4-wheeler on the road, Will the state Fine me, or the Maker of the 4-wheeler

People that own these, should be responsible for the Fine not the maker.

We inform all of our Customers of state law, if they choose to disobey, Fine them.

**From:** Bob Boswood [BobB@autotrimdesignalaska.com]  
**Sent:** Monday, March 10, 2008 12:38 PM  
**To:** Rep. Jay Ramras  
**Cc:** Karen Lidster  
**Subject:** FW: SB78



of Fairbanks, Inc.  
**2550 South Cushman Street  
Fairbanks, Alaska 99701**

**Phone (907) 456-8400**

**Fax (907) 456-8406**

March 10, 2008

Hello Jay,

I hope this letter finds you maintaining your sanity up there in Juneau.

I am writing in regards to SB78 soon to be considered by the judiciary committee. It is sponsored by Hollis French.

In 1994 an overly zealous and powerful Dept of Public Safety was successful in getting the current regulation regarding window film passed. Alaska went from having no limits on tinting to having one of the most restrictive tint laws in the nation. It was not however, illegal for the professional installer, nor any shade tree window tint installer, to actually install window film outside of this regulation. As a result, responsible professional tint installers moderated their use of very dark films and only installed medium films in critical areas (front doors) on vehicles. That decision cost us a ton of money because most customers want darker tint all around their cars. They wanted a darker tint not necessarily because they are criminals and want to hide illegal activities, as stated by the troopers, but simply because it looks better and does have some monetary and safety benefits.

We felt it the responsible thing to do, was not install dark film. It is hard enough to drive safely during the dark of winter. And dark tint on front doors definitely creates a safety hazard. Any car you encounter that you are unable to see into the front doors was not done by my company.

The current regulation allows for 70% light transmission on the front doors and 40% light transmission on the remaining windows on automobiles. The rules are different on the rear glass for trucks and SUV's. The federal government allows darker glass on those windows. We, at Auto Trim Design, have been self regulating our business in that we do not tint front doors dark. And we absolutely do not tint any cars with LIMO tint (5% light transmittance).

I realize our installation of window film does not comply with the regulation and is perhaps viewed as an unethical practice by some in the legislature. The degree to which we tint vehicles would be legal in more than thirty other states and in 1994 this regulation was shoved down our throats with no consideration for any compromise. I could go on and on about the pros and cons of window tint but I think I have said enough. The bottom line is that as a businessman in interior Alaska, I have had to develop products that offer profit centers to match the season we are in. Everything we sell has its seasonal popularity, i.e. Auto starts in the winter, signs and graphics spring through fall, window tint and sunroofs when the sun is shining high, and truck accessories to round out the year.

3/10/2008

Our application of medium light transmittance window film is an important profit center for my business. It takes years of training and becomes a profitable career for the right installer. I currently have 2 full time employees and 1 part time employee whose job depends on window tint both on vehicles as well as the installation of film on commercial glass such as office windows for heat and glare reduction.

Neither product can survive without the other due to the seasonal nature of the industry. Passing SB78 at this time would totally wipe out these jobs as well as eliminate a profit center that my business can not afford to lose, period. I don't know how to say it any plainer. Fuel oil is \$3.40 a gallon, health insurance costs that I provide for my employees went up 30% in 2008, city business licensing went up 250% and the borough raised my property tax appraisal by \$100,000.00. My costs to do business has skyrocketed and my State Government once again wants to cut my profits without any consideration for the survival of my business, a business started by me as a one man operation, grown and nurtured by myself and my family to become a business, totally unique in Alaska by the way, employing over 30 people and feeding their families.

There is a happy medium; one that would allow the installation of medium film, thus allowing reputable businesses their window tint profits and that would be to change the existing regulation. Change the regulation to a more reasonable, yet safe limit, rather than enact SB78 to control the installation of unsafe dark window film or heavy window film as trooper Dial of Ketchikan refers to it. The State has not given one inch on this issue and knowing you as I do, I feel I can say this without offending you, it is unfair and it is really raising my ire for the state bureaucracy. Jay, this bill needs to be delayed or eliminated until the 1994 regulation is changed so as not to destroy the reputable part of the window film industry in Alaska. I know we are not talking about thousands of jobs here but it is frustrating to think that any legitimate careers can be steamrolled by the State Government of Alaska.

In closing I feel that with the proper education about window film, not the narrow minded view of the Department of Public Safety, the state and the reputable participants in the window film industry within the state of Alaska, can reach an agreement everyone can live with.

Surviving in business in Interior Alaska does not happen by accident. I have been here for 25 years now. With the increases in costs listed above, and the fact that our largest profit center (remote start sales) were down 25% this winter, our very survival could weigh in the balance of the legislatures decision on SB78. I want you to know I am very serious about this Jay and I need someone to help me on this important issue. If there is something I can do, please let me know. I would even be willing to come to Juneau. My cell # is 907-388-1308

William (Bob) C. Boswood

President  
Auto Trim Design of Fairbanks, Inc.  
2550 S. Cushman St  
Fairbanks, AK 99701  
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**From:** Steve Vincent [SteveV@autotrimdesignalaska.com]  
**Sent:** Monday, March 10, 2008 11:00 AM  
**To:** Rep. Jay Ramras  
**Cc:** Bob Boswood; Leisa Boswood  
**Subject:** SB78

Dear Mr. Ramras

I'm writing to encourage you to table SB78 until an alternative can be submitted. SB78 is designed to relieve individuals of personal culpability and transfer that to businesses in a manner that will be difficult if not possible to enforce. On face value it would appear relatively simple; stop a car for a tint violation, when the driver shows the law enforcement officer the receipt from the business or person that tinted the vehicle that business or person is fined.

This bill has so many holes in it I don't even know where to start, but I'll try. The majority of dark tinted front windows, which seems to be the impetus of this bill, are done by vehicle owners, renegade "shade tree" tinters, out of state vehicles, and out of state auction vehicles brought in by car dealers, not legitimate businesses. Trooper Dial testified on behalf of the Alaska State Troopers to the house transportation committee that he would be advising people he licketed to sue the business that tinted the vehicle in civil court. Imagine if all DUI violation responsibility was transferred to legitimate bar owners or bartenders via legislation enabling law enforcement to pass out tort attorney's business cards? Great Scott!, think of the graft opportunities there! Also, it would be almost impossible to hunt down the renegade tinters w/o some sort of task force. Does the state have the funds for that?

State Troopers representing their department testified before the Senate subcommittees that one of the reasons they didn't like tint was because it made it extremely difficult to break a car window if needed and that it hampered the ability to see into the vehicle. Yet, to that end car manufacturers are now laminating most car windows as a safety measure against flying glass for automobile occupants in the event of an accident with the blessing of the federal government and consumer advocacy groups and most people cannot tell the difference between looking through 70% tint (factory front glass) and 50% front window tint.

Lastly, tint is not defined: for example, does it apply to infant sun screens applied to the windows as well? Is it the position of the State that it's preferable for our citizens, especially children, to be subjected to the possibility of heat stroke, sunburn, and melanoma so another revenue stream can be enhanced?

Senator French has made a support statement of this bill to the effect that most people have no idea that the tint they have on their car is in violation of state law when ticketed. I'd bet that most people state that they had no idea that they were speeding when stopped for that violation either. We inform every customer we tint a vehicle for of the state laws, they sign a statement to that effect, and our website [www.autotrimdesignalaska.com](http://www.autotrimdesignalaska.com) has a link to the state statutes in the window tinting section.

The archaic state statutes regarding tint are loosely based on federal glass design specs from the 1930's and needs to be revisited before this legislation can be adopted. Alaska is more restrictive than 90% of the USA regarding tint, yet we have more daylight hours for half the year than the rest of the United States. The federal auto glass guidelines (FMVSS 205) may be modified to allow darker tint in an attempt to reduce CFC emissions emitted by automobile air-conditioning. We are also much more educated on the effects of UV radiation that tint reduces and of the other safety benefits tint provides than we were over 20 years ago.

Thank you for your time,

Steve

3/10/2008

Steve Vincent  
Director of Operations/General Manager  
Auto Trim Design of Fairbanks Inc.  
2550 S. Cushman St.  
Fairbanks, Alaska, 99701  
907-456-8400 voice  
907-456-8406 fax

## SB 78

There are people out there who are tired of thieves breaking their car driver/ front passenger door windows to get into the contents of the glove box or pilfer change from the console. Such damage creates a huge mess of glass shards, which is very difficult to clean. The replacement window is usually not covered by insurance or is part of a policy deductible. The police brush off reports of the thievery/vandalism as being minor crime, and nothing is done.

Besides the UV protection for children, the tinting obscures the contents of a vehicle and thus deters thieves from the act to the start with. If they do break in anyway, the film of the tinting at least keeps the glass from shattering into a million shards throughout the interior of the vehicle.

There are far more honest, law-abiding citizens who have a right to tint their windows a mere 20% for these legitimate purposes than there are bad-guys using tinting for stealthy illegitimate purposes, including the paranoid assertion that our cops are going to be shot during routine traffic stops. Note: no such shootings have occurred in Alaska.

Isn't such danger an inherent part of the career a policeman has chosen? Restricting window tinting will not reduce that risk. Bad-guys will remain bad guys. Meanwhile, the good-guys are still victimized and/or unable to remedy their plight.

Allowing 20% tint on the front driver/passenger windows is not unreasonable. The cops and government keeps chipping and whittling away our freedoms...

**"Those who would give up ESSENTIAL LIBERTY to purchase a little TEMPORARY SAFETY, deserve neither LIBERTY nor SAFETY." -B.Franklin**



**Bill History/Action for 25 Legislature**

**BILL:** SB 78

**SHORT TITLE:** MOTOR VEHICLE WINDOW TINTING

**BILL VERSION:** CSSB 78(JUD)

**CURRENT STATUS:** (H)JUD

**STATUS DATE:** 03/10/08

**SPONSOR(S):** SENATOR(S) FRENCH

**TITLE:** "An Act relating to the installation of window tinting in automobiles."

Bill Number:	Display Bill	Next Bill
Full Text	Fiscal Notes	Minutes
Display Bill History		

Jrn-Date	Jrn-Page	Action
02/09/07	0201	(S) READ THE FIRST TIME - REFERRALS
02/09/07	0201	(S) TRA, JUD
03/06/07	Text	(S) TRA AT 1:30 PM BUTROVICH 205
03/06/07	Text	(S) Moved SB 78 Out of Committee
03/06/07	Text	(S) MINUTE (TRA)
03/07/07	0484	(S) TRA RPT (DP 3NR)
03/07/07	0484	(S) DP KOOKLISH
03/07/07	0484	(S) NR WIELICHOWSKI, WILKIN, COWDERY
03/07/07	0484	(S) FN1 ZERODPS)
03/07/07	0484	(S) FN2 ZEROLAW)
03/14/07	Text	(S) JUD AT 1:30 PM BELTZ 211
03/14/07	Text	(S) Heard & Held
03/14/07	Text	(S) MINUTE (JUD)
03/22/07	Text	(S) JUD AT 3:30 PM BUTROVICH 205
03/22/07	Text	(S) Heard & Held
03/22/07	Text	(S) MINUTE (JUD)
03/29/07	Text	(S) JUD AT 3:30 PM BUTROVICH 205
03/29/07	Text	(S) Heard & Held
03/29/07	Text	(S) MINUTE (JUD)
04/20/07	Text	(S) JUD AT 1:30 PM BELTZ 211
04/20/07	Text	(S) MEETING CANCELLED
04/23/07	Text	(S) JUD AT 1:30 PM BELTZ 211
04/23/07	Text	(S) Moved CSSB 78(JUD) Out of Committee
04/23/07	Text	(S) MINUTE (JUD)
04/25/07	0938	(S) JDR RPTS (DP 2NR SAME TITLE)
04/25/07	0938	(S) DP FRENCH
04/25/07	0938	(S) NR WIELICHOWSKI, MCGUIRE
04/25/07	0938	(S) FN1 ZERODPS)
04/25/07	0938	(S) FN2 ZEROLAW)
05/02/07	1025	(S) RULES TO CALENDAR 5/2/2007
05/02/07	1025	(S) READ THE SECOND TIME
05/02/07	1025	(S) JUDCS ADOPTED UNANIMOUS CONSENT
05/02/07	1026	(S) ADVANCED TO THIRD READING Y15 N5
05/02/07	1026	(S) READ THE THIRD TIME (CSSB 78(JUD))
05/02/07	1026	(S) PASSED Y17 N3

- 05/02/07 1026 (S) THERRIAULT NOTICE OF RECONSIDERATION
- 05/03/07 1049 (S) RECONSIDERATION NOT TAKEN UP
- 05/03/07 1049 (S) TRANSMITTED TO (H)
- 05/03/07 1049 (S) VERSION CSSB 78(JUD)
- 05/04/07 1085 (H) READ THE FIRST TIME - REFERRALS
- 05/04/07 1085 (H) TRA. JUD
- 03/06/08 Text (H) TRA AT 1:00 PM CAPITOL 17
- 03/06/08 Text (H) Moved Out of Committee -- Location Change from Room 120 --
- 03/10/08 2212 (H) TRA RPT IDP 3NR
- 03/10/08 2212 (H) DP DOOGAN
- 03/10/08 2212 (H) NR NEUMAN, KILLER, JOHANSEN
- 03/10/08 2212 (H) FN3 ZERO(LAW)
- 03/10/08 2212 (H) FN4 ZERO(DPS)
- 03/10/08 2212 (H) REFERRED TO JUDICIARY
- 04/04/08 Text (H) JUD AT 1:00 PM CAPITOL 120
- 04/04/08 Text (H) Moved HCS CSSB 78(JUD) Out of Committee -- Recessed to 03:00 pm on 04/06/08 --

Similar Subject Match or Exact Subject Match

- BUSINESS
- CRIMES
- LICENSING
- MOTOR VEHICLES
- TRANSPORTATION

Bill Number

[Return to Basis Main Menu \(25 Legislature\)](#)

**S B**

**8 4**

ALASKA STATE LEGISLATURE  
HOUSE JUDICIARY COMMITTEE

Representative Jay Ramras  
Chair in  
(907) 465-3004  
Fax: (907) 465-2070  
Representative\_Jay\_Ramras@legis.state.ak.us



1292 Sadler Way, Suite 324  
Fairbanks, AK 99701

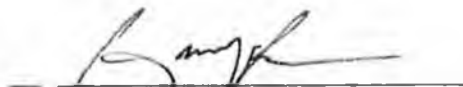
**Committee Members:**  
Representative Nancy Dahlstrom,  
Vice-Chairman  
Representative John Coghill  
Representative Bob Lynn  
Representative Ralph Samuels  
Representative Max Gruenberg  
Representative Lindsey Holmes

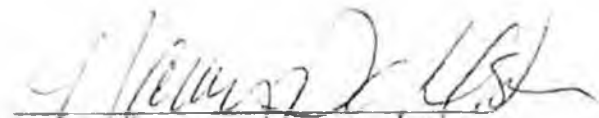
State Capitol, Room 120  
Juneau, Alaska 99801-1182

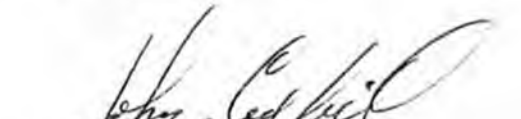
Date: May 2, 2007


Re: SB 84 TESTING & PACKAGING OF CIGARETTES

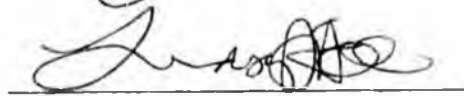
We the under signed agree to waive SB 84 from the House Judiciary Committee and on to the House Finance Committee. Signature and agreement to waive does not constitute support or opposition to the bill, nor obligate the member to a specific vote on the House Floor.

  
Rep. Jay Ramras, Chair

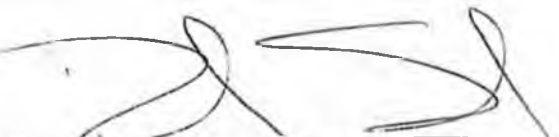
  
Rep. Nancy Dahlstrom, Vice-Chair

  
Rep. John Coghill

  
Rep. Max Gruenberg

  
Rep. Lindsey Holmes

  
Rep. Bob Lynn

  
Rep. Ralph Samuels

**SB**

**97**



## HOUSE JUDICIARY COMMITTEE

STATE CAPITOL, ROOM 120  
(907) 465-4990

### COMMITTEE MEMBERS

Rep. Jay Ramras  
Chairman  
Room, 118  
(907) 465-3004

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(907) 465-2095

Rep. Max Gruenberg  
Room 110  
(907) 465-4940

Rep. Lindsey Holmes  
Room 405  
(907) 465-4919

### MEMORANDUM

Date: March 17, 2008

To: Representative John Coghill  
Chair House Rules Committee

From: Representative Jay Ramras  
Chair House Judiciary Committee

Re: Referral File for HCS CSSB 97(JUD) 25LS0505\T

---

Attached please find the following documents, which represent the referral file for HCS CSSB 97(JUD) 25LS0505\T:

- Legal memo from Theresa Bannister re: equal protection
- HCS CSSB 97(JUD) 25LS0505\T
- Flow Chart re: Eligibility to Use the Silver Hand
- Sponsor Statement
- Sectional
- Legal Memo re: HB50 (25-LS0265\A)
- Fiscal Note EED
- CSS97(JUD) 25-LS0405\K
- SB97 25-LS0405\M
- Don Mitchell legal memo
- Dan Branch legal memo
- Theresa Bannister legal memo
- Support
- HJUD Report

# LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES  
LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA

(907) 465-3867 or 465-2450  
FAX (907) 465-2029  
Mail Stop 3101

State Capitol  
Juneau, Alaska 99801-1182  
Deliveries to: 129 6th St., Rm. 329

## MEMORANDUM

March 14, 2008

**SUBJECT:** HCS CSSB 97(JUD) relating to identification seals for certain articles created or crafted in the state by Alaska Native persons (Work Order No. 25-LS0405\T)

**TO:** Representative Jay Ramras  
Chair of the House Judiciary Committee  
Attn: Jane Pierson

**FROM:** Theresa Bannister *TLB*  
Legislative Counsel

This memo accompanies the bill described above. Please be aware that there is an equal protection issue present in the bill because, in order to be entitled to a seal for an article, a person must be a member of an Alaskan Indian tribe.

If I may be of further assistance, please advise.

TLB:med  
08-190.med

Enclosure

**Senate Bill 97**  
**Eligibility to Use the Silver Hand**  
**Step One: Is the Artist Eligible?**

**Is Applicant An Alaska Resident?**

Defined in AS 01.10.055: Physically present in the state with intent to remain indefinitely; if not in the State, intend to return. (PFD Requirements)



**Is Applicant An Alaska Native Person?**

Is an Enrolled Member of an Alaska Tribe

An Alaska Tribe is an organized group or community in Alaska that's an Indian Tribe.

An Indian Tribe has the meaning given in 25 U.S.C. 450b(e), which is the federal Self-Determination & Education Assistance Act (SDEA), wherein "Indian Tribe means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established by ANCSA, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians." An Indian tribe listed as eligible to receive services provided under SDEA, is eligible only for purposes of that act and no other purpose.



**Permit  
Granted**

**Senate Bill 97**  
**Eligibility to Use the Silver Hand**  
**Step Two: Is the Artwork Eligible?**

Is the Artwork Created or Crafted  
by the Qualifying Artist, in Alaska?



Is it Art?  
Is it A Creation or Crafting Of:



A visual article (includes paintings, sculptures, drawings, mosaics, handmade prints of photographs, etchings, lithographs, and serigraphy); calligraphy; clay, textile, fiber, wood, metal, plastic, glass, or a combination of those things; Traditional Alaska Native materials, including ivory, bone, glass, baleen, animal skins, wood, or furs; A collage or combination of two or more the above categories.



Is it Original?



New, unique, not a reproduction. Created by one person without the use of mechanized duplication instruments, electronic duplication instruments, or other devices or systems designed to copy large numbers of articles.



**Identification Seal Granted**

SESSION ADDRESS:  
Alaska State Capitol  
Juneau, Alaska 99801-1182  
(907) 465-4925  
Fax: (907) 465-3517  
Toll Free: 1-800-821-4925

# Senator Gary Stevens

## Alaska State Legislature

INTERIM ADDRESS:  
112 Mill Bay Road  
Kodiak, Alaska 99615  
(907) 486-4925  
Fax: (907) 486-5264



### Sponsor Statement for Senate Bill 97

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

Senate Bill 97 seeks to improve the statutes governing the administration of the Silver Hand program. The Silver Hand program was created to help promote the creation, appreciation, and sale of Alaska Native art of the highest quality. Alaska Natives have a great variety of artistic traditions stretching back for millennia and which are still an important part of life today. Alaska Native art shares the cultures of Alaska Native peoples and enriches the lives of all Alaskans today. It is admired around the world, and is a vital part of the personal and community expression of Alaska Native identity. Alaska Native art is also highly valued in the marketplace, both within the state boundaries, and nationally and internationally. For so many reasons, it is good for all Alaskans to promote the creation of Alaska Native art and to ensure the legitimacy of Alaska Native art.

SB 97 will make several targeted changes to the law under which the Alaska State Council on the Arts administers the Silver Hand program. Among the changes it seeks to effect, it will delete obsolete references to agents, refers to the creations of Alaska Native artists with the term art instead of handicraft, clarifies the penalty for violating the Silver Hand laws and that sale and purchase of Silver Hand seals is prohibited, and sets out clearly the conduct related to Silver Hand seals that is not allowed.

SB 97 will take a good program and make it better. I urge your support passage of this legislation.

# LEGAL SERVICES

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STATE OF ALASKA

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FAX (907) 465-2029  
Mail Stop 3101

State Capitol  
Juneau, Alaska 99801-1182  
Deliveries to: 129 6th St., Rm. 329

## MEMORANDUM

March 5, 2007

**SUBJECT:** Sectional Summary of SB 97 relating to identification seals for certain articles created or crafted in the state by Alaska Native persons. (Work Order No. 25-LS0405M)

**TO:** Senator Gary Stevens  
Attn: Doug Letch

**FROM:** *JB*  
Theresa Bannister  
Legislative Counsel

You have requested a sectional summary of the above-described bill. As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents.

**Section 1.** Amends AS 44.27.050 to conform the description of the identification seal duties of the Alaska State Council on the Arts to the changes made in this bill.

**Section 2.** Amends the list of unfair trade practices in the state's unfair trade practices act to add the identification seal conduct prohibited under AS 45.65.055.

**Section 3.** Amends the criteria that determine who may obtain an identification seal. Amends the criteria that determine which articles the seal may be affixed to.

**Section 4.** Amends the description of the responsibility of the Alaska State Council on the Arts relating to identification seals. Conforms the language to other changes made in this bill and adds fee collection responsibility.

**Section 5.** Amends AS 45.65.030(a) to conform to other changes made in this bill and to require that a space, rather than a blank line, be included for the artist's name and the place of origin of the article.

**Section 6.** Amends AS 45.65.040(a) to remove the reference to an agent in order to reflect that a permit can only be issued by the Alaska State Council on the Arts.

**Section 7.** Amends AS 45.65.040(d) to require the Alaska State Council on the Arts to determine whether a person is eligible for the permit, as well as whether an article is eligible for an identification seal. Deletes the reference to an agent.

Senator Gary Stevens  
March 5, 2007  
Page 2

**Section 8.** Amends AS 45.65.040(e) to allow a person to report an identification seal violation and to delete the reference to agents.

**Section 9.** Adds a new section that describes the conduct that is prohibited when dealing with identification seals.

**Section 10.** Amends AS 45.65.060(a) to refer to the new sec. 45.65.055 (prohibited conduct) to describe what will be considered a misdemeanor with regard to identification seals. Adds a definition of "knowingly" and deletes "willfully."

**Section 11.** Amends AS 45.65.060(c) to conform the language to other changes made in the Act.

**Section 12.** Amends the definition to define "authentic Alaska Native art" as art that is created or crafted by an Alaska Native person.

**Section 13.** Amends the definition section to add definitions of "Alaska Native person," "art," "identification seal," "original," and "recognized Alaska tribe."

**Section 14.** Repeals certain provisions of AS 45.65.

If I may be of further assistance, please advise.

TLB:ljw  
07-109.ljw

# FISCAL NOTE

**STATE OF ALASKA**  
**2008 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: SB 97  
 ( ) Publish Date: \_\_\_\_\_

Identifier (file name): SB 97: SB97-DEED-AC-02-20-08  
 Title An Act relating to identification seals for certain articles  
 Dept. Affected: Education & Early Development  
created in the state by Alaska Native persons. RDU Commissions & Boards  
Alaska Council on the Arts  
 Sponsor Senator Stevens  
 Requester Economic Dev., Trade & Tourism Component Number 192

**Expenditures/Revenues** (Thousands of \_\_\_\_\_)  
 Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information						
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
<b>OPERATING EXPENDITURES</b>								
Personal Services								
Travel								
Contractual								
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>								
-----------------------------	--	--	--	--	--	--	--	--

<b>CHANGE IN REVENUES ( )</b>								
-------------------------------	--	--	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF								
1005 GF/Program Receipts								
TOTAL								
Other Interagency Receipts								
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2008) cost: \_\_\_\_\_

**POSITIONS**

Full-time								
Part-time								
Temporary								

**ANALYSIS:** (Attach a separate page if necessary)

This legislation helps clarify existing law to identify genuine Alaska Native art that is crafted in the state by Alaska Native individuals.

Prepared by Richard Luther Phone 465-2803  
 Division Commissioner's Office Date/Time 2/20/08 3:30  
 Approved by Barbara Thompson, Interim Commissioner Date 2/20/2006

March 29, 2007

FROM: Don Mitchell

SUBJECT: Senate Bill No. 97 (An Act Relating to the Identification Seals for Certain Articles Created or Crafted in the State by Alaska Native Persons)

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You have asked me to analyze SB No. 97 to identify the policy issues, and possible constitutional issues, of which the Alaska Legislature should be aware during its consideration of the bill.

In 1961 the Alaska Legislature enacted a statute that authorized the Alaska Commissioner of Commerce to administer a program that authorized a "Native" who at a location within the state produced, decorated, or fashioned an "authentic Native article of handicraft" to obtain an identification seal that, for marketing purposes, identified the article as such. See ch. 40 SLA 1961. Section 6(1) of the statute defined the term "Native" to mean "any resident Eskimo, Aleut, or Indian possessing not less than one-quarter Eskimo, Aleut, or Indian blood".

Since 1971 the Alaska Legislature has amended the 1961 statute several times. Today the Native handicraft seal program, which now has operated without major problem or controversy for almost half a century, is codified at A.S. 45.65.010 et seq.

SB No. 97 amends A.S. 45.95.010 et seq. in two significant respects. As described below, SB No. 97 expands the types of articles that are eligible to obtain an identification seal, and it changes the criteria that identify the individuals who are a member of the class of individuals who may obtain an identification seal.

Articles Eligible to Obtain an Identification Seal

Pursuant to A.S. 45.65.010(a), only an article that is an "authentic Native handicraft" (as A.S. 45.65.070(1) defines that term) is eligible for an identification seal. Section 3 of SB No. 97 amends A.S. 45.65.010(a) to make, not only handicrafts, but also all other "original articles of

authentic Alaska Native art created or crafted in the state" eligible for a seal.

Artists Eligible to Obtain an Identification Seal

Pursuant to A.S. 45.65.010(a), only a "Native" artist may obtain an identification seal for a handicraft that he or she has made within the state. Section 3 of SB No. 97 amends A.S. 45.65.010(a) to authorize an "Alaska Native person", rather than a "Native" to obtain an identification seal. Section 13 of SB No. 97 then amends A.S. 45.65.070 to codify two new terms as terms of art. The first is "Alaska Native person", which is defined to mean a state resident "who is a member of a recognized Alaska tribe". The second is "recognized Alaska tribe", which is defined to mean

- (A) a village, or other organized group or community, in this state that is listed, on or after the effective date of this Act, by the United States Bureau of Indian Affairs as an Indian tribe under 25 U.S.C. 479a-1<sup>1</sup> that is eligible for the special programs and services provided by the United States to Indians because of their status as Indians;  
o
- (B) a group of individuals who have been formally recognized as an Alaska Native tribe by a statute of this state, including a statute that authorizes a commission or other organization of this state to recognize the tribal status of a group of a group of Alaska Native persons.

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<sup>1</sup>25 U.S.C. 479a-1 codifies section 104 of the Federally Recognized Indian Tribe List Act (FRITLA), Pub. L. No. 103-454, Title I, 108 Stat. 4791 (1994). Section 104 provides:

- (A) PUBLICATION OF THE LIST. - The Secretary [of the Interior] shall publish in the Federal Register a list of all Indian tribes which the Secretary recognizes to be eligible for the special programs and services provided by the United States to Indians because of their status as Indians.
- (B) FREQUENCY OF PUBLICATION. - The list shall be published within 60 days of enactment of this Act, and annually or before every January 30 thereafter. (emphasis added).

Eliminating indigenous blood quantum as the criterion that has been used since 1961 to identify individuals who are eligible to obtain an identification seal pursuant to A.S. 45.95.010 et seq. and, in its place, substituting membership in a "recognized Alaska tribe" is apparently intended by the sponsor of SB No. 97 to be a response to a constitutional problem that may, or may not be one.

### The Possible Constitutional Problem

In 1783 the Treaty of Peace that ended the Revolutionary War demarked the Mississippi River as the western boundary of the United States. At that time, the land between the Mississippi River and the western boundaries of the thirteen original states was populated almost exclusively by tens of thousands of Native Americans. Those Native Americans were clustered into groups of various sizes and levels of political cohesion that provided for their material cultures through an economy that was based principally on hunting, fishing, and gathering.

The Indian Commerce Clause, Article I, Section 8, Clause 3, of the United States Constitution grants Congress the power "To regulate Commerce . . . with the Indian tribes". (emphasis added). In 1787 when the United States Constitution was drafted, the Congress had a political relationship with only a dozen of the multitude of Native American groups whose members occupied land within the boundaries of the United States.<sup>2</sup> For that reason, it is reasonable to assume that the drafters of the Indian Commerce Clause intended the term "Indian tribes" to mean "tribe" as the term is used in its ethnological, rather than in its political, sense.<sup>1</sup>

Consistent with that interpretation of the intent of the drafters of the Indian Commerce Clause embodied in the term "Indian tribes", shortly after the United States Constitution was ratified, Congress enacted statutes in which the term "Indian tribe" was used to mean "tribe" in its ethnological sense. When it was required to interpret the intent of Congress embodied in the word "tribe" in the

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<sup>2</sup>See Treaty with the Delawares, 7 Stat. 13 (1778); Treaty with the Six Nations, 7 Stat. 15 (1784); Treaty with the Wyandot, 7 Stat. 16 (1785); Treaty with the Cherokee, 7 Stat. 18 (1785); Treaty with the Choctaw, 7 Stat. 21 (1786); Treaty with the Shawnee, 7 Stat. 26 (1786).

<sup>1</sup>The Indian Law scholar Felix Cohen long ago observed that "[t]he term 'tribe' is commonly used in two senses, an ethnological sense and a political sense. It is important to distinguish between these two meanings of the term." FELIX S. COHEN, HANDBOOK OF FEDERAL INDIAN LAW 268 (1st ed. 1942).

Indian Nonintercourse Act of 1793, the United States Court of Appeals for the First Circuit acknowledged that historical fact regarding Congress's contemporaneous understanding of the meaning of the Indian Commerce Clause as follows:

While Congress'[s] power to regulate commerce with the Indian tribes includes authority to decide when and to what extent it shall recognize a particular Indian community as a dependent tribe under its guardianship, Congress is not prevented from legislating as to tribes generally; and this appears to be what it has done in successive versions of the Nonintercourse Act. There is nothing in the Act to suggest that "tribe" is to be read to exclude a bona fide tribe not otherwise federally recognized. (emphasis added).<sup>4</sup>

Article I, Section 8, Clause 18, of the United States Constitution grants Congress the power to enact statutes that it determines are "necessary and proper for carrying into Execution the [powers described earlier in section 8, including the power "To regulate Commerce . . . with the Indian Tribes]".

As a consequence, when it has determined that doing was necessary and proper, Congress has repeatedly exercised the legislative power that the Indian Commerce Clause confers by enacting statutes that create beneficiary classes of Native Americans whose membership is defined by the class members' ethnicity, i.e., by their or their ancestors' membership in an ethnological (as opposed to a federally recognized) tribe. And Congress has used blood quantum as evidence of membership in an ethnological tribe.

For example, in 1834 Congress enacted a statute (still codified at 25 U.S.C. 45) that requires the Bureau of Indian Affairs to afford "persons of Indian descent" a preference over other persons for employment as "interpreters or other persons employed for the benefit of the Indians". In 1894 Congress enacted a statute (still codified at 25 U.S.C. 44) that requires the Bureau to hire "Indians" as herders, teamsters, and laborers, as well as for other jobs. In 1921 Congress enacted the Snyder Act (still codified at 25 U.S.C.

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<sup>4</sup>Joint Tribal Council of the Passamaquoddy Tribe v. Morton, 528 F.2d 370, 377 (1st Cir. 1975).

<sup>4</sup> Stat. 737 (1834).

13),<sup>6</sup> which authorizes the Bureau to spend appropriated funds "for the benefit, care, and assistance of the Indians of the United States" without requiring a beneficiary "Indian" to be a member of a federally recognized tribe. And in 1934 Congress enacted the Indian Reorganization Act (IRA). Section 12 of the IRA (still codified at 25 U.S.C. 472),<sup>7</sup> authorizes the Bureau to afford "Indian" job applicants and employees a preference for Bureau employment without requiring those applicants and employees to comply with the requirements of the civil service laws with which non-Indian job applicants and employees are required to comply. And in section 19 of the IRA, Congress defined the term "Indian" to mean

All persons of Indian descent who are members of any recognized Indian tribe now under Federal jurisdiction, and all persons who are descendants of such members who were, on June 1, 1934, residing within the present boundaries of any Indian reservation, and shall further include all other persons of one-half or more Indian blood. (emphasis added).

And most importantly insofar as the situation in Alaska is concerned, section 7 of the Alaska Native Claims Settlement (ANCSA),<sup>8</sup> which Congress enacted in 1971, directed regional corporations organized under the laws of the State of Alaska to issue shares of common stock only to "Natives" enrolled to the regions in which the corporations are located. And section 3(b) of ANCSA defined the term "Native" inter alia to mean "a citizen of the United States who is a person of one-fourth degree or more Alaska Indian, Eskimo, or Aleut blood, or combination thereof," again without requiring a "Native" to be a member of a federally recognized tribe.

Those and similar enactments are evidence that Congress believes that the equal protection prong of the Due Process Clause of the Fifth Amendment to the United States Constitution does not limit the authority that the Indian Commerce Clause and the Necessary and Proper Clause grant to Congress to enact statutes that create beneficiary classes of Native Americans without requiring an individual member of a beneficiary class to be a member of a federally recognized tribe and to use ethnicity, i.e., blood quantum,

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<sup>6</sup>Pub. L. No. 67-85, 42 Stat. 208 (1921).

<sup>7</sup>Pub. L. No. 73-383, 48 Stat. 984 (1934).

<sup>8</sup>Pub. L. No. 92-203, 85 Stat. 688 (codified as amended at 43 U.S.C. 1601 et seq.).

as evidence of an individual's eligibility for class membership.

The Alaska Legislature's decision to direct the Alaska Commissioner of Commerce to, pursuant to section 6(1) of ch. 40 SLA, use Eskimo, Aleut, and Indian blood quantum as the criterion for determining the eligibility of a state resident to obtain an identification seal that certifies that a handicraft that the individual has made is an "authentic Native handicraft" is evidence that, in 1961, the Legislature believed that Article II, Section 1, of the Alaska Constitution empowers the Legislature to enact statutes that create beneficiary classes of Alaska Natives whose eligibility for class membership is governed by the degree of an individual's Eskimo, Aleut, or Indian blood quantum, as well as that the equal protection provisions in the Fourteenth Amendment to the United States Constitution and Article I, Section 1, of Alaska Constitution do not restrict the Legislature's exercise of that grant of legislative power.

Because that assumption may, or may not, be correct, before it considers whether to amend A.S. 45.65.010 et seq., either in the manner that SB No. 97 suggests or in any other manner, the Alaska Legislature may want to request the Attorney General to issue a formal opinion that provides guidance regarding the following questions:

1. Do the equal protection provisions of the Fourteenth Amendment to the United States Constitution and Article I, Section 1, of Alaska Constitution prohibit the Legislature from exercising the legislative power that Article II, Section 1, confers to enact statutes that create beneficiary classes whose criterion for class membership is Eskimo, Aleut, or Indian blood quantum?
2. If the answer to question no. 1 is yes, may the Legislature enact statutes that create beneficiary classes whose criterion for class membership is Eskimo, Aleut, or Indian blood quantum if Congress, exercising the power that the Indian Commerce Clause confers, enacts a statute that authorizes or directs the Legislature to do so (as Congress has done in such statutes as sections 3(b) and 7(g) of ANCSA)?

For the Alaska Legislature, assessing the constitutional situation, and then crafting an appropriate response, is complicated by two additional developments:

Department of Justice White Paper

In 1972 a group of non-Indian employees of the Bureau of Indian Affairs filed Mancari v. Morton, a lawsuit against the Secretary of the Interior in which they alleged that Congress violated rights that the equal protection prong of the Fifth Amendment to the United States Constitution (which prohibits Congress from engaging in "invidious racial discrimination") guaranteed to the plaintiffs when it enacted section 12 of the IRA, the provision that authorizes the Bureau to afford "Indians" a preference for Bureau employment and promotion without requiring them to comply with the requirements of the civil service laws with which non-Indian job applicants and Bureau employees are required to comply.

Rather than directly confronting that challenge to the power that the Indian Commerce Clause grants to Congress to enact statutes that create classes that benefit Native Americans, the Bureau of Indian Affairs issued a written internal agency "interpretation" of the intent of Congress embodied in section 12. In that interpretation the Bureau announced that to be an "Indian" eligible for the section 12 employment preference Congress intended an individual to demonstrate that he or she 1) had "one-fourth or more degree of Indian blood" and 2) was "a member of a federally-recognized tribe". The Bureau did so even though the text of section 12, quoted above, quite explicitly said no such thing.

In 1974 when the lawsuit reached the United States Supreme Court, in Morton v. Mancari<sup>9</sup> the Court relied on the Bureau's interpretation of the intent of Congress embodied in section 12 to avoid having to answer the constitutional question that the case presented for decision. The Court did so by announcing that the Bureau's interpretation demonstrated that "[t]he [employment] preference [in section 12], as applied [by the Bureau] is granted to Indians not as a discrete racial group, but rather, as members of quasi-sovereign tribal entities . . . ." (emphasis added).<sup>10</sup>

Embracing that pronouncement of the Court, for more than thirty years attorneys associated with the Native American sovereignty movement have argued that Morton v. Mancari holds that, notwithstanding the grant of power that the Indian Commerce Clause and the Necessary and Proper Clause confer, Congress has no authority to enact statutes that create beneficiary classes that use an individual's degree of indigenous blood quantum as the criterion for class membership, and that instead the criterion for class

<sup>9</sup>417 U.S. 535, 94 S.Ct. 2474, 41 L.Ed.2d 290 (1974).

<sup>10</sup>Id. at 554, 94 S.Ct. at 2474.

membership must be limited to an individual's membership in a "federally recognized tribe".

Then, to further confuse an already complex situation, in 2000 the United States Supreme Court decided Rice v. Cayetano.<sup>11</sup>

In that case, a provision of the Hawaiian Constitution limited the right to vote in elections for the trustees of a state agency to individuals who were "Hawaiians", a term the Hawaii Legislature had defined by statute to mean a

descendant of not less than one-half part of the races inhabiting the Hawaiian Islands previous to 1778, as defined by the Hawaiian Homes Commission Act of 1920, as amended; provided that the term identically refers to the descendants of such blood quantum of such aboriginal peoples which exercised sovereignty and subsisted in the Hawaiian Islands in 1778 and which peoples thereafter continued to reside in Hawaii.

In Rice v. Cayetano, the Court first held that "[a]ncestry can be a proxy for race", and that as used by the Hawaii Legislature as a criterion for membership in the class of individuals eligible to vote in trustee elections "[i]t is that proxy here".<sup>12</sup> The court then held that limiting class membership in that fashion violated the right to vote that the Fifteenth Amendment to the United States Constitution guarantees to citizens of the State of Hawaii who are not "Hawaiians" as the Hawaii Legislature had defined that term.<sup>13</sup>

For its own institutional reasons, in recent years the United States Department of Justice (DOJ) has embraced the constitutional theory that attorneys associated with the Native American sovereignty movement have advanced based on their reading of Morton v. Mancari. DOJ also has implied that the legal reasoning that underpins the holding in Rice v. Cayetano, a case that dealt with the right to vote and with the Fifteenth Amendment, should be applied in cases that implicate the tension that exists between the Indian

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<sup>11</sup>528 U.S. 495, 120 S.Ct. 1044, 145 L.Ed.2d 1007 (2000).

<sup>12</sup>Id. at 514, 120 S.Ct. at 1055.

<sup>13</sup>Id. at 524, 120 S.Ct. at 1060. Section 1 of the Fifteenth Amendment, which, unlike the Fourteenth Amendment, deals exclusively with the right to vote in federal and state elections, states: "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude. (emphasis added).

Commerce Clause and the Fifth Amendment. DOJ did so most recently in 2006 when the 109th Congress considered S. 1057, 109th Cong. (2005), a bill whose enactment would have amended the Indian Health Care Improvement Act.

S. 1057 inter alia created several beneficiary classes of individuals eligible to receive health services whose class membership was based on the individuals' status as Native Americans (including Alaska Natives), rather than on their status as members of "federally recognized tribes". Specifically, section 4(12) of the amendment in the nature of a substitute for the original text of S. 1057 that the Senate Committee on Indian Affairs reported defined the term "Indian" to mean

any person who is a member of an Indian Tribe or is eligible for health services under section 806, except that, for the purpose of sections 102 And 103, the term also means any individual who--

- (A)(i) irrespective of whether the individual lives on or near a reservation, is a member of a tribe, band, or other organized group of Indians, including those tribes, bands, or groups terminated since 1940 and those recognized now or in the future by the State in which they reside; or
- (ii) is a descendant, in the first or second degree, of any such member;
- (B) is an Eskimo or Aleut or other Alaska Native;
- (C) is considered by the Secretary of the Interior to be an Indian for any purpose; or
- (D) is determined to be an Indian under Regulations promulgated by the Secretary.  
(emphasis added).

In response to S. 1057, DOJ circulated on Capitol Hill an unsigned and undated document entitled "Department of Justice White Paper". In pertinent part, the white paper informed Congress that, in DOJ's view,

Under the Supreme Court's decisions in [Morton v. Mancari, Adarand Constructors, Inc. v. Pena], and Rice [v. Cayetano], legislation providing special benefits to Indian individuals who do not have a clear and close affiliation with a federally recognized tribe likely would be regarded as a racial classification subject to

strict constitutional scrutiny, rather than as a political classification. It, therefore, would be necessary to show that any such use of race-based criteria to award the governmental benefits provided for in the statute is "narrowly tailored" to serve a "compelling" governmental interest.

The definition in [S. 1057] of "Urban Indian" and "Indian" (as defined in section 4(12) for limited purposes) sweeps more broadly than members of federally recognized tribes, providing for benefits to non-member adult descendants of tribal members (or to Alaska Natives who are not members of a recognized Alaska Native village). These broad definitions present significant risk that a court would find the legislation subject to strict scrutiny and, in the absence of factual findings demonstrating that the definitions are narrowly tailored to support such a compelling governmental interest with respect to the program authorized, would find this statute unconstitutional.<sup>14</sup>

If DOJ's constitutional analysis is correct, then not only does the Indian Commerce Clause not grant Congress the power to enact a statute that authorizes the Alaska Legislature to enact statutes that create beneficiary classes whose criterion for class membership is Eskimo, Aleut, or Indian blood quantum, but federal statutes such as ANCSA may be unconstitutional.

#### Alaska Native Sovereignty Movement

When it crafts a response to the constitutional uncertainty that this analysis of A.S. 45.65.010 et seq. and SB No. 97 describes, the Alaska Legislature should be attentive to the fact that that response can affect the outcome of the unresolved legal dispute regarding whether Congress - or the Secretary of the Interior acting lawfully pursuant to authority that Congress by statute has delegated to the Secretary - has created more than 200 "federally recognized tribes" in Alaska whose governing bodies possess governmental authority and sovereign immunity.

The resolution of that legal dispute either by Congress or by the United States Supreme Court may have significant policy consequences for the ability of the Alaska

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<sup>14</sup>Department of Justice White Paper (2006), at 3.

Legislature to continue to assert the criminal, civil, and regulatory jurisdiction that it has asserted since statehood at all locations in Alaska and over all residents of Alaska, both Native and non-Native.

A description of the range of those policy consequences in areas such as child protection, regulation of gaming, etc., is beyond the scope of this memorandum. But what can be said here is that a principal argument made in support of the contention that there are more than 200 "federally recognized tribes" in Alaska is that 1) in 1993 then Assistant Secretary of the Interior Ada Deer created such tribes by unilateral administrative action (i.e., by publishing a list of Alaska Native entities in the Federal Register), and 2) if arguendo Assistant Secretary Deer's action was ultra vires, Congress intended its enactment in 1994 of the Federally Recognized Indian Tribe List Act to ratify the result that Assistant Secretary Deer had tried, albeit unlawfully, to achieve. In 1999 in its John v. Baker decision,<sup>15</sup> the Alaska Supreme Court accepted that argument.<sup>16</sup> However, while the Alaska Supreme Court may express its view regarding that federal question, the United States Supreme Court is the only court that can decide the question definitively.

Its enactment of SB No. 97 may inadvertently entangle the Alaska Legislature in that legal dispute because section 13 of the bill defines the term "recognized Indian tribe" by referencing 25 U.S.C. 479a-1, which is a section of FRITLA. To eliminate that possibility, if the Legislature determines that it is appropriate to amend A.S. 45.66.070 to eliminate indigenous blood quantum as the criterion for membership in the class of individuals eligible to obtain an identification seal, it may want to consider the following amendments to SB No. 97:

Amendment No. 1

Page 4, line 14: strike "a recognized", and insert in lieu thereof "an".

Amendment No. 2

Page 5, strike lines 4 through 13, and insert in lieu

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<sup>15</sup>982 P.2d 738 (Alaska 1999).

<sup>16</sup>See id. 730 (Alaska Supreme Court holding that "[t]hrough the 1993 tribal list and the 1994 [Federally Recognized Indian] Tribe List Act, the federal government has recognized the historical tribal status of Alaska Native villages . . . In deference to that determination, we also recognize such villages as sovereign entities").

thereof:

"(10) 'Alaska tribe' means an organized group or community that is an "Indian tribe" for the purpose of section 4(e) of the Indian Self-Determination and Education Assistance Act, 25 U.S.C. 450b(e)."

That definition makes clear that the reference to "Alaska tribes" in A.S. 45.65.70 is a reference to Congress's designation of groups of Alaska Natives as "Indian tribes" for the purposes of the Indian Self-Determination and Education Assistance Act, rather than for the purposes of 25 U.S.C. 479a-1.

While the difference between the FRITLA and the Indian Self-Determination Act "Indian tribe" definitions may seem esoteric, the difference is important because in the Indian Self-Determination Act Congress has designated groups of Alaska Natives as "Indian tribes" exclusively for the singular, and quite appropriate, purpose of recognizing that the members of those groups are "eligible for the special programs and services provided by the United States to Indians because of their status as Indians," and, by inference, not for any other purpose, including creating "federally recognized tribes" whose governing bodies possess sovereign immunity and governmental authority. As described above, the legal consequences that Congress intended the FRITLA "Indian tribe" definition (codified at 25 U.S.C. 479a-1) to effectuate arguably are considerably more ambiguous.

Finally, it should be noted that the Alaska Legislature's acceptance of the "Alaska tribe" definition proposed in Amendment No. 2 eliminates the idea that the Alaska Legislature - rather than Congress or the Secretary of the Interior acting lawfully pursuant to authority that has been delegated by Congress - should, as a matter of policy, designate particular groups of state citizens as "tribes".

# STATE OF ALASKA

## DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

SARAH PALIN, GOVERNOR

*Commercial and Fair Business Section*  
P.O. BOX 110300  
DIMOND COURT HOUSE, 5<sup>TH</sup> FLOOR  
JUNEAU, ALASKA 99811-0300  
PHONE (907) 465-3600  
FAX (907) 465-2539

February 27, 2008

Honorable Gary Stevens  
Alaska Senate  
State Capitol, Rm. 103  
Juneau, Alaska 99801

Re: Whether CSSB 97(JUD) would have an impact on the governmental relationships of the State of Alaska and Alaska Native village organizations or tribes.

Dear Senator Stevens:

You ask what impact the passage of CSSB 97(JUD) would have on the governmental relationships between the State and Alaska Native village organizations or tribes. Since CSSB 97(JUD) is essentially neutral on the subject, a court asked to interpret the question would be unlikely to find that passage of the bill impacts these relationships.

SB 97 would make changes to the Silver Hand Program, which authorizes Alaska Native artists to affix a silver hand identification seal to their art pieces. The seal gives assurance to purchasers that they are buying a piece of authentic Native art made in Alaska. Currently only Alaska residents with at least one-quarter Eskimo, Aleut, or Indian blood may participate in the program. CSSB 97(JUD) would drop the blood quantum requirement and allow individuals who are members of an Alaska tribe to participate in the program. The bill defines "Alaska tribe" as "an organized group or community in Alaska that is an Indian tribe." "Indian tribe" is given the meaning for the term provided by 25 U.S.C. 450b, which is the definition section of the Indian Self-Determination and Education Assistance Act (Self Determination Act).

The term, "Indian tribe" is defined by the Self Determination Act to mean:

"...any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act ... which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians. (25 USC 450b(e)).

Re: Whether CSSB 97(JUD) would have a substantial impact on the governmental relationship of the State of Alaska and Alaska Native village organizations or tribes

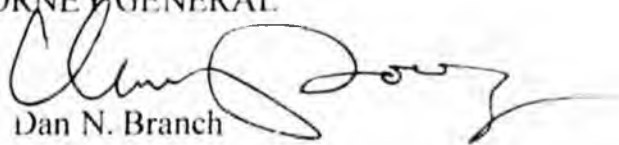
While this definition may include federally recognized tribes in Alaska, it also includes for profit corporations such as Sealaska Corporation that are formed under the Alaska Native Claims Settlement Act (ANCSA). *Cook Inlet Native Ass'n v. Bowen*, 810 F.2d 1471 (9<sup>th</sup> Cir. 1987). ANCSA corporations are not considered federally recognized tribes. *Cape Fox Corporation v. United States*, 456 F.Supp 784 (D. Alaska 1984), *aff'd in part and rev'd in part on other grounds* 646 F2d 399 (9<sup>th</sup> Cir. 1981). ANCSA regional corporations and ANCSA village corporations are not included on the list of "Indian Entities Recognized and Eligible to Receive Services from the United States Bureau of Indian Affairs" published annually by the Department of the Interior. Therefore, Alaska Native organizations not on the BIA list may not use the fact that they are included in the definition of "Indian tribe" for purposes of the Self Determination Act to establish that they are federally recognized tribes.

In addition only Congress and the federal executive branch have the authority to recognize entities as tribes. *John v. Baker*, 982 P.2d 738, 749 (Alaska 1999). In *John v. Baker* the Alaska Supreme Court held that if Congress or the federal executive branch recognizes a group of Native Americans as a sovereign tribe, the court must do the same. The actions of a state legislature can not enhance or diminish the chances that a particular entity will be recognized as a tribe. Therefore passage of CSSB 97(JUD) should not advance the efforts of an Alaska Native entity wishing to obtain tribal recognition.

We hope this answers your question.

Sincerely,

TALIS J. COLBERG  
ATTORNEY GENERAL

By:   
For: Dan N. Branch  
Assistant Attorney General

DNB:jmc

CC: Honorable Lyman Hoffman  
Alaska Senate

Russ Kelly  
Legislative Director, Office of the Governor

Michael Ford  
Legislative Contact, Department of Law

Saunders McNeil  
Executive Director, Alaska Arts Council

# LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES  
LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA

(907) 465-3867 or 465-2450  
FAX (907) 465-2029  
Mail Stop 3101

State Capitol  
Juneau, Alaska 99801-1182  
Deliveries to: 129 6th St., Rm. 329

## MEMORANDUM

March 26, 2007

**SUBJECT:** SB 97 and equal protection issue

**FROM:** Theresa Bannister  
Legislative Counsel

You have asked me to identify constitutional problems present in the bill described above.

Equal protection. Because under the bill the person who makes the article entitled to a seal must belong to a recognized Alaska tribe, there is an equal protection issue present in the bill.

If I may be of further assistance, please advise.

TLB:ljw  
07-158.ljw

# SILVER HAND - SB 97



This symbol is your guarantee that this is a genuine article made in Alaska handcrafted and finished by an Alaska Native artist or craftsman

\_\_\_\_\_  
Artist

\_\_\_\_\_  
Origin

\_\_\_\_\_  
Permit No.



The integrity of the Silver Hand Program depends on the permit holders using the tags and labels in accordance with AS 45.65.010-45.65.070 and 3AAC 58.005-.900.

Unlawful use of the Silver Hand identification should be reported to ASCA immediately.

#### **DEFINITIONS**

**"Authentic Native handicraft"**: an article made in the state, which is composed wholly, or in significant part, of natural materials, and which is produced, decorated or fashioned by an Alaska Native.

**"Native"**: a resident having not less than one-quarter Eskimo, Aleut, or Indian blood. (American Indians whose tribes are indigenous to other states are not eligible for this program.)

**"Natural material"**: material produced or existing in nature, not artificial or manufactured, and derived from lands, plants, animals or other natural resources.

**"State resident"** (AS43.23.095) means an individual who is physically present in the state with the intent to remain indefinitely in the state under the requirements of AS 1.10.055.

#### **PENALTIES FOR MISUSE OF THE SILVER HAND IDENTIFICATION LABEL OR PERMIT**

##### **Sec. 45.65.060.**

- (a) A person who knowingly or willfully issues the document for or affixes or attaches the identification label provided for in this chapter to an article, knowing that it is not an authentic Native handicraft, is guilty of a class B misdemeanor.
- (b) A person who knowingly or willfully sells or offers for sale an article with the label affixed or attached, knowing that it is not an authentic Native handicraft, is guilty of a class B misdemeanor.
- (c) A person who knowingly or willfully alters, changes, or counterfeits an identification label or emblem, is guilty of a class B misdemeanor.
- (d) A person who has been issued a permit under AS 45.65.030(a) is guilty of a class B misdemeanor if the person knowingly or willfully issues a permit for an article that is not an authentic Alaska Native Handicraft.

#### **REVOCAION AND DEBARMENT**

##### **Sec. 3 AAC 58.075**

- (a) The permit of a person authorized to use the Silver Hand label or the Made in Alaska emblem or to act as an agent for either the Silver Hand or the Made in Alaska program who is convicted of an offense under AS 45.65.060 is automatically revoked on the date of the conviction.
- (b) Any person who is convicted of an offense under AS 45.65.060 is barred from any further participation in either the Silver Hand or the Made in Alaska program.
- (c) After notice and opportunity for hearing, the Council will, in the Council's discretion, revoke a permit for failure to comply with the requirements of AS 45.65.010 – 45.65.070 including the payment of fees, and this chapter.

#### **TO DOWNLOAD AN APPLICATION**

Go to the ASCA website [www.eed.state.ak.us](http://www.eed.state.ak.us) to download and application to fill out by hand.

#### **FOR MORE INFORMATION**

Please direct questions concerning the Silver Hand Permit Program to ASCA. Alaskan artists may also be eligible for the Made in Alaska Program. For more information on Made in Alaska call 907/272-5634.

# SILVER HAND PERMIT APPLICATION



ALASKA STATE COUNCIL ON THE ARTS  
411 West 4<sup>th</sup> Avenue, Suite 1E  
Anchorage, Alaska 99501-2343  
Tel: (907)269-6610  
Fax: (907)269-6601  
Toll Free in Alaska: 1-888-278-7424  
TTY: 1-800-770-8973  
Email: [aksca\\_info@eed.state.ak.us](mailto:aksca_info@eed.state.ak.us)  
Website: [www.eed.state.ak.us/aksca](http://www.eed.state.ak.us/aksca)

New Application     Renewal Application

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

City: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

Email: \_\_\_\_\_

Type of Handicraft Produced: \_\_\_\_\_  
\_\_\_\_\_

I, the undersigned, hereby certify that I am an Alaska Native, am a resident of the state, am 18 years or older, and I will affix the Silver Hand label only on a handicraft that was or will be made: entirely by me; wholly or in significant part of natural materials; and within the state of Alaska. I have read and agree to abide by the Silver Hand Program information present in this permit application.

Applicant Signature \_\_\_\_\_

Date \_\_\_\_\_

I am 18 years or older

I am currently a permanent resident of Alaska

I have attached the required documentation  
(copy of CIB card or proof of 1/4 Alaskan Native)

\$20 handling charge (Check or Money Order only)

Copy of a current photo id

Return completed application with the above listed support documentation and \$20 to ASCA.

**FOR OFFICIAL ASCA USE ONLY**

Approved by \_\_\_\_\_

Date: \_\_\_\_\_

Permit #: \_\_\_\_\_

Silver Hand Tags & Labels received \_\_\_\_\_

Labels \_\_\_\_\_ Hang tags \_\_\_\_\_ Initials \_\_\_\_\_

Amount rec'd \_\_\_\_\_ Check number \_\_\_\_\_

**THE SILVER HAND PERMIT PROGRAM**

The Alaska State Council on the Arts (ASCA) administers the Silver Hand Permit Program. The purpose of the program is to provide a guarantee to a consumer that an article on which the Silver Hand identification appears has been hand crafted in Alaska by an Alaska Eskimo, Aleut, or Indian craftsperson or artist and made wholly or in significant part of natural materials.

An Alaska Native person who makes an authentic handicraft article in the state may obtain Silver Hand tags or labels to identify the article. ASCA provides identification labels for authentic Alaska Native handicraft to individual applicants. The label features a silver hand and the words, "Authentic Native Handicraft from Alaska". The Silver Hand tags or labels may only be affixed to authentic Alaska Native handicrafts made by that individual while residing in the state.

The Silver Hand Permit holders are public record.

The Silver Hand Agent portion of the program has been permanently suspended.

**THE SILVER HAND PERMIT PROCESS**

A complete application, support documents and a \$20 handling charge must be submitted to ASCA to receive a permit to use the Silver Hand identification label on a handicraft. The Council will review applications for eligibility within 30 days from the date of receipt of a completed application. If the applicant is eligible, a non-transferable permit and Silver Hand tags and/or labels will be issued. The permit is valid for two years from the date the permit is issued and may be renewed by submitting a completed permit renewal application within 30 days of the end of the two-year period. If the applicant is ineligible the handling charge and support documents will be returned immediately.

**REQUIREMENTS**

A permit to use Silver Hand identification will be issued to an Alaska Native who:

- (1) Applies to the Alaska State Council on the Arts;
- (2) Documents that the applicant is an Alaska Native with a blood quantum of 1/4 or greater; documentation proving eligibility includes:

(A) United States Department of Interior, Bureau of Indian Affairs "Certificate of Indian Blood";

(B) An official letter from a village or regional corporation established under 43 U.S.C. 1606-43 U.S.C. 1607 (Alaska Native Claims Settlement act of 1971, sec. 7 & 8); or

(C) an official letter from a village council or tribe in which the applicant is a member;

(3) Certifies on the application that the applicant will affix the Silver Hand identification only on a handicraft that was or will be made:

(A) entirely by the applicant;

(B) within this state; and

(C) in whole or in significant part of natural materials.

(4) Copy of photo identification, i.e. State Drivers license, State identification card

(5) Is 18 years of age or older

(6) Is a full time resident of the state

**UTILIZING SILVER HAND IDENTIFICATION**

A permit holder may use the representation of the Silver Hand identification on catalogs, letterhead, business cards, in-store and other advertising, and for other similar purposes related to the permit holder's handicrafts. The permit holder may use a representative of the Silver Hand symbol only in advertising of that permit holder's handicrafts.

The Silver Hand symbol or a representation of that symbol may not be:

(A) used in a manner that is false or misleading.

(B) Modified

(C) incorporated into a business, company, or product logo or label.

(D) sold as art or as a dominant feature of a handicraft unless approved by the ASCA Chair in writing.

A permit holder may obtain 150 Silver Hand labels/tags annually from ASCA at no cost. Additional labels/tags may be purchased at ten cents per label or fifteen cents per tag. Contact ASCA for further information.

To request your free supply of Silver Hand labels/tags for the second year, submit a written request to the Alaska State Council on the Arts for the quantity of tags or labels needed. The request must be signed by the permit holder.



*Celebrating 40 years of support for the arts in Alaska*

Senator Johnny Ellis, Chair  
Alaska State Senate  
Chair, Senate Labor and Commerce Committee  
Sent via email

March 7, 2007

Dear Senator Ellis and members of the committee:

The Alaska State Council on the Arts (ASCA) would like to lend our support to the passage of SB 97, relating to the Silver Hand Program.

This statute revision will strengthen the relationship between our agency and the Alaska Native artists we serve in many respects. One of the primary tenets of the Silver Hand program is the mark of authenticity for the over 1400 artists that our program represents, and for the thousands of visitors to our state who purchase this work every year.

A major study conducted of Alaska Native Artists last year under the auspices of the Ford Foundation found that almost 90% of the artists surveyed felt that the counterfeit native art market in the state is an enormous problem. While ASCA can't prohibit the sale of native art knock-offs, we certainly can strength our own resident's ability to sell work through our Silver Hand program, and inform the buying public about our program.

Another revision will incorporate the expansion of allowable materials that Native Artists can use in their work and still be in our program. Currently, only natural materials can be used, which means that many of our most well known contemporary Native artists are not eligible for the Silver Hand program. This revision will correct that problem.

The economic impact of the arts in Alaska is certainly worth mentioning. In 2001, the MacDowell Group did a survey of Alaska Arts and Crafts Industry – all sectors – and found that over 4,500 Alaskans earned income from arts-related activity, and in 2001, Alaska artists earned an estimated \$20 million. Total direct employment in the creative industry was approximately \$40 million in annual income, including profit and non profit sectors.

Although the consumer numbers are not conclusive, the same survey cited above indicated that 30% of Alaskans who purchased art in 2001, bought only Alaska Native work, and 56% of those consumers said they looked for the Silver Hand symbol when

buying Native art. As ASCA increases our publicity efforts and consumer education programs, we hope that this number grows.

ASCA is currently working closely with the Federal Trade Commission and the tourist industry to ensure that visitors to our state are aware of the importance of buying authentic Alaska Native art.

The revision of this statute and the strengthening of our policies will have impact in two major ways:

- 1) On the consumer side, to strengthen the education and enforcement efforts so that visitors and residents alike buy authentic Alaska Native art by increasing civil penalties;
- 2) On the artist side, to provide Alaska Native artists with more economic opportunities by shifting our emphasis to authenticating the artist and expanding the allowable art materials.

I appreciate your committee taking the time to review this legislation that is vital to our agency and to our Alaska Native artist population.

Sincerely,

Charlotte A. Fox  
Executive Director

ALASKA FEDERATION OF NATIVES

2007 ANNUAL CONVENTION

RESOLUTION 07-35

**TITLE:** PROTECTING AND PROMOTING ALASKA NATIVE ARTISTS AND THEIR CREATIVE WORK BY UPDATING THE STATE STATUTES GOVERNING THE SILVER HAND PERMIT PROGRAM

**WHEREAS:** The Silver Hand Permit Program is the State of Alaska's sanctioned Alaska Native Arts authentication program and has been administered by the Alaska State Council on the Arts, a division of the State Department of Education & Early Development, since 1998 upon the recommendation of a Governor-appointed Alaska Native review committee; and

**WHEREAS:** The Silver Hand Permit Program currently serves more than 1,500 permit holders, who collectively represent 151 Alaska Native villages and Alaska's three largest cities, Anchorage, Fairbanks, and Juneau, and which anticipates a steady increase in eligible applicants in the future; and

**WHEREAS:** The Silver Hand Permit Program supports the integrity and integration of the subsistence lifestyle, cultural well-being, sustainability of village residency and socioeconomic potential for Alaska Native artists and their families by helping Alaska Native artists earn crucial cash income from artwork that can be produced without having to leave their villages; and

**WHEREAS:** The Silver Hand identification seal is recognized and promoted by the majority of large and small tourism companies, statewide retailers, state agencies and contractors as the primary means for consumers to identify and therefore purchase authentic Alaska Native artwork produced by and in Alaska Native artists residing in Alaska; and

**WHEREAS:** The use of the Silver Hand identification seal results in a proven marketing advantage and provides needed economic benefits to Alaska Native artists through increased sales and optimum sale prices in comparison to items not authenticated with the Silver Hand identification seal; and

**WHEREAS:** The statutes governing the Silver Hand Permit Program have remained unchanged since the early 1970s and now needs to be updated to respond to dramatic changes in the creative pursuits and expression of Alaska Native artists and the expansion of consumer and tourism markets; and,

**WHEREAS:** AFN has made a prior commitment to "protect the market price of Alaska Native artwork and prevent imitation and duplication of Alaska Native creative endeavors" through the convention passage of Resolution No. 95-57 in 1995; and

**WHEREAS:** The AFN Board of Directors meeting held on February 12 & 13, 1996 established policy guidelines "with respect to the arts and crafts sales during the annual convention of the corporation" required that for, "articles that are being sold, the following identification must be evident on the article, or attached to it: 1. A Certified Silver Hand tag identifying the article as made by an Alaska Native;" and

WHEREAS: Senate Bill 97 and House Bill 161 before the 25<sup>th</sup> Alaska Legislature would enact amendments to the statute governing the Silver Hand Permit Program. The Alaska Federation of Natives supports the following amendments to the Program:

1. Expand enforcement capability by adding civil penalties for misuse of the identification seal;
2. Expand allowable materials and art disciplines to include contemporary Alaska Native artists and contemporary art materials;
3. Expand definitions of eligible visual art media to help permit holders and consumers;
4. Replace *craft* reference with *art* reference to be more inclusive of all art types;
5. To be eligible for the program, we support a requirement of proof that the individual is 1) an Alaska Native and an enrolled member of an Alaska Native tribe; or, 2) an enrolled member of Alaska Native Corporation;
6. Award permits directly to individual artists only and eliminate the unused "agent" portion of the program (already suspended by Council policy);

directly result in a Silver Hand Permit Program improvements benefiting Alaska Native artists and Alaska Native tribal members.

NOW THEREFORE BE IT RESOLVED by the Delegates to the 2007 Annual Convention of the Alaska Federation of Natives, Inc., that AFN requests the State of Alaska Legislature Senate and House to pass and enact the legislative described above to make every legally binding effort to protect and promote Alaska Native artists and their creative work on the open market.

SUBMITTED BY: THE EYAK CORPORATION

COMMITTEE ACTION: DO PASS, TIER 2

CONVENTION ACTION: PASSED



**COMMENTS ON SENATE BILL NO. 97**

May 8, 2007



Attn: Representative Mark Neuman  
Chair of House Committee on Economic Development  
and Tourism

Dear Mr. Neuman,

On behalf of the Central Council of Tlingit & Haida Indian Tribes of Alaska (CCTHITA) and our 26,000 members, we are submitting the following comments on the SENATE BILL NO. 97, "An Act relating to the identification seals for certain articles created or crafted in the state by Alaska Native persons; relating to the Alaska State Council on the Arts; and making certain identification seal violations unfair trade practices."

We feel compelled to comment on the SB97 as it directly impacts our families in their efforts to achieve economic independence and self-sufficiency. The very nature of the Silver Hand Program goes to the heart of the preservation of Native Alaskan culture and heritage. Safeguarding the culture from crass commercialism and ensuring the perpetuation of native communities through quality economic development of that culture should be the highest goal of any legislation in this regard. This can only be achieved through legitimate, extended, and open discussions with the Native Alaskan communities.

We are of the opinion that affording the opportunity to comment or participate in legislative hearings concerning the proposed measure to all Native Alaskans that wish to do so is absolutely important and necessary. Therefore, we request that any action in regards to the SENATE BILL NO.97 is to be postponed until the next session, and that all Native Alaskans, especially those that are currently enrolled in the Silver Hand Program, are given a fair chance to voice their concerns and opinions in regards to the proposed law.

Please feel free to call on us if there is anything we can do to support your efforts as you address our concerns.

President William E. Martin  
Central Council of Tlingit & Haida Indian Tribes of Alaska

###

CCTHITA Contact:  
Andrei Chakine, Manager ([achakine@ccthita.org](mailto:achakine@ccthita.org))  
Stephen Wade, Economic Development Specialist ([swade@ccthita.org](mailto:swade@ccthita.org))  
Business & Economic Development Department  
9097 Glacier Highway  
Juneau, AK 99801  
Ph: (907) 463-7121  
Fax: (907) 463-7356

C



# Alutiiq Museum and Archaeological Repository

215 Mission Road, Suite 101, Kodiak, Alaska 99615  
(907) 486-7004 Fax: (907) 486-7048 [www.alutiiqmuseum.com](http://www.alutiiqmuseum.com)

Senator Gary Stevens  
Legislative Session Contact  
State Capitol, Room 103  
Juneau, AK 99801-1182

February 27, 2007

Dear Senator Gary Stevens,

I am writing to express my sincere support for SB97. This proposed draft statutes reflects an exhaustive survey, many discussions, and testimony's by Alaska Native artists about their needs in supporting and protecting Alaskan Native arts. SB97 language represents years of primary stakeholder feedback in the only state endorsed Alaska Native arts authentication program, the Silver Hand. With no cost to the state, SB97 accomplishes many critical objectives in serving a statewide constituency.

This bill establishes a relationship between Silver Hand permit holders and the Alaska State Council on the Arts, the program's administering state agency. The bill links the Silver Hand permit program to State of Alaska consumer protection and fair trade law. It also helps to strengthen agency enforcement capability's and clarifies consumer and permit holder protections. SB97 expands economic and creative opportunities for artists by including contemporary Alaska Native artists as important constituents served by the permit program. The bill allows Alaska Native artists to use all material deemed important in the creation of their art and clarifies eligible visual art mediums.

SB97 also enables Federally recognized Alaska Native Tribes to identify eligible permit holders. SB97 aligns with Federal language established in the Indian Arts and Crafts Act of 1990. SB97 empowers the state to promote and protect Silver Hand permit holders who's work represents a very significant, yet quiet, contribution to statewide commerce.

I want to thank you for updating the statutes with SB97. While this may seem like a very small act it will help the Alaska State Council on the Arts support and protect Alaska Native Artists artwork.

Quyanaasinaq, "thank you very much"

A handwritten signature in black ink, appearing to read "Sven Haakanson Jr.".

Sven Haakanson Jr., Ph.D.  
Executive Director  
Alutiiq Museum

Perry R Eaton  
12000 Shenandoah Road  
Anchorage Alaska 99516  
(907) 345- 0281

Senator Gary Stevens  
State Capitol, Room 103  
Juneau, Alaska 99801  
Bv fax: (9097) 465-3517

March 1, 2007

Dear Senator Stevens,

Gary, this is just a short note to let you know that I am 110% in support of SB97; the "modernization" of the Silver Hand program. What you have in front of you is the result of very diligent and solid work on the part of the Alaska State Council on the Arts in collaboration with the states Native artists. The revisions bring to the program the opportunity to be much more effective and responsive to the needs of today's Native artist, while adding no financial burden to the state.

Of all the changes proposed, I am particularly pleased with the fact that the Federally Recognized Tribes identify the eligible participants. This eliminates any specter of paternalism, removes a large administrative burden from staff, and builds on synergistic activities of other Federal and State programs and organizations.

All in all, it's a great piece of work and I strongly encourage your support to move the bill.

Perry R Eaton

110 Nicholoff Way  
P.O. Box 322  
Cordova Alaska 99574



ph 907.424.7903 fax 907.424.3018

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*Museum and Gift Gallery of the Prince William Sound, Copper River Delta and Gulf of Alaska Natives*

Senator Gary Stevens  
Legislative Session Contact:  
State Capitol, Room 103  
Juneau, AK 99801-1182  
907-465-4925  
fax: 907-465-3517

March 2, 2007

Dear Senator Gary Stevens,

As Director of a federally recognized tribe's Cultural Center, I would like to express my support for SB97. This is a much needed update to the respected Silver Hand program.

Our cultural center's mission is to preserve our heritage through teaching and exhibiting traditional art and skills. We accomplish this through traditional art and skills classes and the gift shop which provides a sales venue for quality produced pieces. The silver hand program has been valuable to us as authentication of our tribal artists and to help us identify the work of other native artists throughout the state. We are very aware of the confusion deceptive marketing and sales practices can create around Native-made arts and crafts and support every effort to protect authentic Alaska native art.

As a member of the Museums Alaska board of directors, I have been aware of the statewide need for revisions and some of the tremendous amount of work that has gone into these recommendations for revision through SB97. I strongly urge you to see this bill through.

*Quana (Thank you!)*

A handwritten signature in cursive script that reads "LaRue Barnes".

LaRue Barnes  
Director Ilanka Cultural Center

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From: gary murphy [eskimogary@hotmail.com]  
Sent: Friday, March 02, 2007 7:34 PM  
To: Sen. Gary Stevens  
Subject: Support Bill SB97

Senator Stevens, Please support Bill 197 . I am a Alaskan Native artist and fully support bill SB97. Sincerely Yours Gary R. Murphy

---



Senator Gary Stevens  
State Capitol, Room 103  
Juneau, AK 99801-1182

March 5, 2007

Dear Senator Stevens,

I am writing in support of Senate Bill SB97 that would introduce modernizations to the Silver Hand Program and which represents a thorough analysis and synthesis of needs voiced by Alaska Native artists and the expertise of Alaska State Council on the Arts. The comprehensive and collaborative nature of the revisions ensures that proposed changes will increase the both the effectiveness of the Program and the degree to which it serves Alaska Native artists. At the same time, the revisions, particularly the strengthened enforcement of the Program, will improve the economic welfare of the artist and their families, while improving their economic contribution to the state.

Sincerely,

Dawn Biddison  
Assistant Curator  
Smithsonian Arctic Studies Center  
Alaska Regional Office  
121 W. 7th Ave.  
Anchorage, AK 99501  
Tel: 907-343-6131  
Fax: 907-343-6130  
biddisondd@ci.anchorage.ak.us

ARCTIC STUDIES CENTER  
Department of Anthropology  
10<sup>th</sup> and Constitution N.W.  
Washington DC 20560-0112  
(202) 357-2682 Telephone  
(202) 357-2684 Fax



Smithsonian  
National Museum of Natural History

ARCTIC STUDIES CENTER  
at the Rasmuson Center  
121 W. 7<sup>th</sup> Ave.  
Anchorage, AK 99501  
(907) 343-6131 Telephone  
(907) 343-6130 Fax

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# NORTH SLOPE BOROUGH PLANNING DEPARTMENT

Inupiat Heritage Center  
5421 North Star Street  
PO Box 69  
(907) 852-0422  
(907) 852-4224 Fax  
(907) 852-4594



March 5, 2007

Senator Gary Stevens  
State Capitol, Room 103  
Juneau, Alaska 99801

Dear Senator Stevens:

I am writing to express my support for SB97, a bill which links the Silver Hand permit program to the State of Alaska consumer protection and fair trade law.

Passage of this bill is extremely important as it will help strengthen agency enforcement capability and clarify consumer and permit holder protection. This bill will also help expand economic and creative opportunities for Alaska Native artists. Most importantly SB97 will help align with Federal language established in the Indian Arts and Crafts Act of 1990 and empower the state to promote and protect Silver hand permit holders.

Alaska Natives contribute significantly to statewide commerce and I strongly encourage your support to move the bill. Quyanaq.

Sincerely,

Dorcas Stein, Coordinator  
Inupiat Heritage Center

cc: Commissioners, Inupiat History, Language and Culture, North Slope Borough

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**From:** Sen. Gary Stevens  
**Sent:** Wednesday, March 07, 2007 9:10 AM  
**To:** Tim Lamkin  
**Subject:** FW: SB97 Silver Hand retooling

-----Original Message-----

From: Teri Rofkar [mailto:ravenart@gci.net]  
Sent: Tuesday, March 06, 2007 9:51 PM  
To: Sen. Gary Stevens; Saunders McNeill; Charlotte Fox  
Subject: SB97 Silver Hand retooling

Hello Gary Stevens,

Thank you for sponsoring this bill to retool the Silver Hand program. As a full time Native Artist, I am delighted to see some updated laws to fuel an economic opportunity throughout the state of Alaska. Money earned through the Native Arts most of the time contributes to a healthier financial profile for small villages, as well as the larger tourist hubs. I sat on the ASAC task force, and we are intentionally moving away from authenticating the art, which is vague and hard to enforce... while we move toward authenticating the Artists, by using existing protocols.

Streamlining the authentication process will help as we work towards tackling the big problem of counterfeit native art. A bill like this will bring us in line with Federal Laws. A recent article in AARP said that "up to half of the Native Crafts (sold in the US) are counterfeit" stated Jill Moran, of the US Dept. of the Interior Indian Arts and Crafts Board... This problem is a national issue, and Alaskans, because of our self sufficient and CAN DO attitude are a front runner in finding creative solutions. The Silver Hand program is part of that solution.

Thank you again for taking the first step.

Gunalcheesh, Ho, Ho,

Teri Rofkar  
820 Charles St.  
Sitka, AK 99835

March 6, 2007

Senator Gary Stevens  
Legislative Session Contact:  
State Capitol, Room 103  
Juneau, AK 99801-1182  
907-465-4925  
fax: 907-465-3517

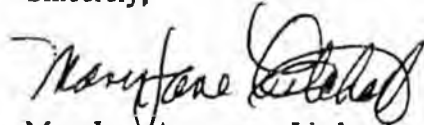
Dear Senator Gary Stevens,

The Bering Strait Inuit Council (BSIC) is highly supportive of SB97, which would help modernize the Silver Hand Program. Our small group supports regional artists in the Northwest Territory of Alaska for the survival of unique art forms to continue for future generations. BSIC has members who are federally recognized as indigenous groups. Silver Hand Members include Siberian Yupik, Yupik and Inupiaq artists from our region.

Our regional indigenous artists depend on this program to prove the authenticity of their handmade products. We desperately need to be protected from unauthorized imitations of our style of art. Our art helps to connect us to our cultural roots of successful survival in this northern hemisphere. Our ancestors struggled throughout the winter months yet created unique carvings that linked them to spiritual survival. We still depend on subsistence activities, and the arts and crafts we create for economic development. With the continuing rising costs of modern living and the threats of coastal erosions, our artists need this protection from this proposed bill.

We look forward to working with the Alaska State Council on the Arts to bring this program into the 21<sup>st</sup> century.

Sincerely,



MaryJane Anuqsraaq Litchard  
President  
Bering Strait Inuit Council  
P.O. Box 943  
Nome, Alaska 99762  
(907) 443-4248  
(907) 443-4449



ALASKA  
NATIVE  
HERITAGE  
CENTER

March 6, 2007

Senator Gary Stevens  
State Capitol, Room 103  
Juneau, AK 99801-1182

fax: 907-465-3517

Dear Senator Stevens:

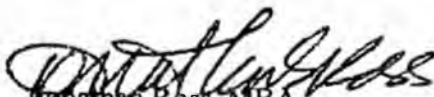
We at the Alaska Native Heritage Center are in full support of SB97. This bill is based on surveys, discussions, and testimony in the Alaska Native arts community and builds upon a Native Artists Summit held at AFN in October 2007. At no cost to the state, SB97 accomplishes many critical objectives in serving artists statewide.

Among the bill's strengths:

- It establishes a relationship between Silver Hand permit holders and the Alaska State Council on the Arts, who administers the program.
- Critically important, it links the Silver Hand permit program to State of Alaska consumer protection and fair trade laws.
- It expands the definition of Native art to include contemporary works, which constitute a huge contribution to our state's economy and culture.
- It allows Alaska Native artists to use all materials – not just those termed “traditional” – that are important in the creation of their art.
- It aligns with Federal language established in the Indian Arts and Crafts Act of 1990.
- Most importantly, it serves the needs of Alaska Native artists throughout the state.

I join many others in the Native community in support of this bill and thank you for your support as well.

Chin'an ("Thank you"),

  
Jonathan Ross, MBA  
President and CEO

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**From:** Gale Parsons [mailto:gparsons@prattmuseum.org]  
**Sent:** Wednesday, March 07, 2007 11:16 AM  
**To:** Sen. Gary Stevens  
**Subject:** Senate Bill SB97

7 March 2007

Dear Senator Stevens and Representative LeDoux,

Thank you for crafting Senate Bill (SB97) and companion House Bill (HB161) to update the Silver Hand program statutes. The proposed changes represent long requested and important improvements to this program for Alaska Native artists. As an artist and Exhibits Director of the Pratt Museum in Homer I have been aware of the program, its importance and inadequacies since arriving in Alaska 28 years ago or since the beginning of the program. I have worked closely with Alaska Native artists through my work at the Pratt beginning in 1995 and understand the frustrations outlined in the comments below that the Bills address.

1. Establish a primary service relationship between Silver Hand artists and the Alaska State Council on the Arts. The agent arm of the permit program will be removed.
2. Strengthen enforcement capability by linking Silver Hand statues to Alaska consumer protection and fair trade practices statutes. Civil penalties for the misuse of the Silver Hand emblem will be added. Aligns with Federal language established in the Indian Arts and Crafts Act of 1990.
3. Expand economic and creative opportunities by including contemporary Alaska Native artists and the materials deemed important in the creation of their. The statutes expand the definitions section and define eligible visual art mediums.
4. Enable Federally recognized Alaska Native Tribes and ANCSA to identify eligible permit holders. Reference to blood quantum will be removed.
5. Empowers the state to promote and protect Silver Hand permit artists who's work represents a very significant economic contribution to the state.

Thank you for addressing this need.

Sincerely,

Gale Parsons

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Gale Parsons, Director of Exhibits  
Pratt Museum  
3779 Bartlett Street  
Homer, AK 99603  
907-235-8635 x 36