

# STATE OF ALASKA

## EXECUTIVE ORDER NO. 100

1998



1 Under the authority of art. III, sec. 23, of the Alaska Constitution, and in accordance  
2 with AS 24.08.210, I order the following:

3 \* **Section 1. FINDINGS.** As governor, I find that it would be in the best interests of  
4 efficient administration to move the responsibility for administration of the authentic Native  
5 handicraft identification seal program, known as the "silver hand" program, from the  
6 Department of Commerce and Economic Development to the Alaska State Council on the Arts  
7 within the Department of Education.

8 \* **Sec. 2.** AS 44.27.050 is amended to read:

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

10 (1) to stimulate and encourage throughout the state the study and  
11 presentation of the performing, visual, and fine arts and public interest and  
12 participation;

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

19 (3) to take steps necessary and appropriate to encourage public interest

1 in the cultural heritage of the state and to expand the state's cultural resources;  
2 (4) to encourage and assist freedom of artistic expression essential for  
3 the well being of the arts;

4 (5) [REPEALED

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

6 (6) to administer the provisions of AS 45.65 relating to the  
7 identification seal for authentic Native handicrafts made in the state and adopt  
8 regulations to carry out those provisions.

9 \* Sec. 3. AS 45.65.020 is amended to read:

10 Sec. 45.65.020. Administration of chapter [COMMISSIONER TO  
11 ADMINISTER]. The commissioner of commerce and economic development is  
12 responsible for the administration of the provisions of AS 45.65.010 - 45.65.070  
13 relating to the emblem that is authorized under AS 45.65.010(b), including

14 (1) [SUBJECT TO AS 45.65.030(a), THE DESIGN, METHOD OF  
15 AFFIXING, PREPARATION, ISSUANCE, AND CONTROL OF IDENTIFICATION  
16 SEALS;

17 (2) THE ISSUANCE OF PERMITS TO AGENTS TO DISTRIBUTE  
18 THE SEALS;

19 (3)] the supervision of the use of the emblem [SEALS AND  
20 EMBLEMS];

21 (2) [(4)] subject to AS 45.65.030(c), the design, issuance, and control  
22 of emblems;

23 (3) [(5)] the issuance of permits to agents to issue permits to use the  
24 emblems; and

25 (4) [(6)] the enforcement of AS 45.65.010 - 45.65.070 regarding the  
26 emblem authorized under AS 45.65.010(b).

27 \* Sec. 4. AS 45.65.020 is amended by adding a new subsection to read:

28 (b) The Alaska State Council on the Arts (AS 44.27.040) is responsible for the  
29 administration of the provisions of AS 45.65.010 - 45.65.070 relating to the  
30 identification seal for authentic Native handicrafts made in the state, including

31 (1) subject to AS 45.65.030(a), the design, method of affixing,

1 preparation, issuance, and control of identification seals;

2 (2) the issuance of permits to agents to distribute the seals;

3 (3) the supervision of the use of the seals; and

4 (4) the enforcement of AS 45.65.010 - 45.65.070 regarding the  
5 identification seals.

6 \* Sec. 5. AS 45.65.030(c) is amended to read:

7 (c) The official emblem for an article that is made in the state is a design  
8 approved by the commissioner under AS 45.65.020(a)(2) [AS 45.65.020(4)] that  
9 depicts a mother bear with a cub and states the words "Made in Alaska."

10 \* Sec. 6. AS 45.65.040 is amended to read:

11 **Sec. 45.65.040. Identification seal and identification seal agent permits.** (a)

12 The identification seal authorized under AS 45.65.010(a) may only be used after  
13 receiving a permit from the council [COMMISSIONER] or from an agent who  
14 possesses a current permit under (b) of this section.

15 (b) A resident of the state may apply to the council [COMMISSIONER] for  
16 a permit as agent to issue permits to use the identification seals described under  
17 AS 45.65.030(a) in the state. The council [COMMISSIONER] may examine or  
18 investigate an applicant to determine whether the applicant has sufficient knowledge  
19 of handicrafts, customs, and populace of the area in which the applicant resides to  
20 identify authentic Native handicraft, and may issue permits to qualified applicants. The  
21 permit may limit the authority of the agent to a certain geographic area or to a  
22 particular type of handicraft.

23 (c) The council [COMMISSIONER] shall establish forms and fees for the  
24 applications and permits to be used or issued under this section, the period for which  
25 the permits are valid, and the procedures for renewing the permits.

26 (d) Before issuing a permit for an article under this section, the council  
27 [COMMISSIONER] or the identification seal agent shall determine that the article is  
28 eligible for the identification seal.

29 (e) An identification seal agent may report alleged violations of  
30 AS 45.65.010 - 45.65.070 regarding identification seals to the council  
31 [COMMISSIONER].

1 \* Sec. 7. AS 45.65.045(b) is amended to read:

2 (b) A resident of the state may apply to the commissioner for a permit to act  
3 as an agent to issue permits to use the emblem. An agent may report alleged  
4 violations of AS 45.65.010 - 45.65.070 regarding emblems to the commissioner.

5 \* Sec. 8. AS 45.65.070 is amended by adding a new paragraph to read:

6 (6) "council" means the Alaska State Council on the Arts  
7 (AS 44.27.040).

8 \* Sec. 9. TRANSITION. (a) Litigation, hearings, investigations, and other proceedings  
9 pending under a law amended by this Order, or in connection with functions transferred by  
10 this Order, continue in effect and may be continued and completed notwithstanding a transfer  
11 or amendment provided for in this Order.

12 (b) Contracts, rights, liabilities, and obligations created by or under a law amended  
13 by this Order, and in effect on March 13, 1998, remain in effect notwithstanding this Order's  
14 taking effect. Records, equipment, appropriations, and other property of an agency of the state  
15 whose functions are transferred under this Order shall be transferred to implement the  
16 provisions of this Order.

17 (c) Regulations adopted by the Department of Commerce and Economic Development  
18 under AS 45.65 that relate to the authentic Native handicraft identification seal remain in  
19 effect and may be implemented and enforced by the Alaska State Council on the Arts until  
20 the council's own regulations take effect.

21 \* Sec. 10. This Order takes effect March 14, 1998.

DATED: January 12, 1998

/s/ Tony Knowles

Tony Knowles  
Governor