

Sec. 44.37.010. Commissioner of natural resources.

The principal executive officer of the Department of Natural Resources is the commissioner of natural resources.

Sec. 44.37.011. Additional procedures for administrative appeals and petitions for reconsideration to the commissioner of natural resources.

(a) This section applies to administrative appeals or petitions for reconsideration of a decision in an administrative appeal to the commissioner of natural resources, except for those administrative appeals or petitions done under [AS 38.35](#) or [AS 43.82](#). If a conflict occurs between this section and other state law existing at the time of enactment of this section, the provisions of this section control.

(b) If a person is aggrieved by a decision of the Department of Natural Resources not made by the commissioner and is otherwise eligible to seek the commissioner's review of the decision, the person may appeal to the commissioner. The person may not file a petition for reconsideration of the commissioner's decision on the appeal. The commissioner's decision on the administrative appeal is a final administrative order for purposes of filing an appeal of the administrative decision to the court.

(c) If a person is aggrieved by a decision of the department made by the commissioner and is otherwise eligible to seek the commissioner's review of the decision, the person may not appeal that decision to the commissioner; however, the person may petition the commissioner for reconsideration of the commissioner's decision. The commissioner's decision made upon reconsideration or the commissioner's failure to act on the petition for reconsideration is a final administrative order for purposes of filing an appeal of the administrative decision to the court.

(d) If a person has a right to petition for reconsideration under [AS 44.62.540](#) or this section, the person has a total of 20 days, including the time available under [AS 44.62.540](#), in which to file a petition for reconsideration with the commissioner.

(e) The department may adopt regulations to implement and interpret this section.

Sec. 44.37.020. Duties of department with respect to natural resources.

(a) The Department of Natural Resources shall administer the state program for the conservation and development of natural resources, including forests, parks, and recreational areas, land, water, agriculture, soil conservation, and minerals including petroleum and natural gas, but excluding commercial fisheries, sport fish, game, and fur-bearing animals in their natural state.

(b) The Department of Natural Resources shall administer and maintain a recording system established under the laws of this state.

(c) The Department of Natural Resources in coordination with the

(c) The Department of Natural Resources in coordination with the Department of Environmental Conservation may take actions necessary to administer and enforce any dredge and fill permitting program allowed under 33 U.S.C. 1344 (sec. 404, Clean Water Act), including the adoption of regulations under [AS 44.62](#) (Administrative Procedure Act).

Sec. 44.37.025. Recording.

(a) The Department of Natural Resources shall adopt regulations establishing, modifying, or discontinuing recording districts or precincts and prescribing the records to be maintained and the instruments to be recorded, consistent with [AS 40.17](#). A regulation may not impose a restriction on document recording unless the restriction is required by statute or furthers a legitimate administrative need of the recorder; a "legitimate administrative need" includes ensuring the legibility of the documents and identifying the parties, the capacity of each party, and the affected property.

(b) The department shall prescribe by regulation and account for recording fees and do all other things necessary to maintain the recording systems established under the laws of this state. For a document that is to be recorded for multiple purposes, the department may collect the applicable recording fee for each of the multiple purposes.

(c) The department, with the concurrence of the administrative director of the Alaska Court System, may appoint judicial employees to perform services in connection with recording, providing access to, and copying documents in locations where the department has not otherwise designated a public office to perform those functions.

(d) [Repealed, § 14 ch 119 SLA 1996.]

(e) In addition to the recording system established under [AS 40.17](#), the commissioner of natural resources may by regulation establish a system for recording and filing documents to enable members of the public to safeguard documents. Recording or filing a document in the system established under this subsection does not provide constructive notice for any purpose.

(f) Under [AS 37.05.146\(c\)](#), fees for services of the Department of Natural Resources for recording and related services under this section shall be accounted for separately, and appropriations from the account are not made from the unrestricted general fund.

Sec. 44.37.027. Uniform commercial code filing.

(a) The Department of Natural Resources shall maintain a central filing office for the filing of documents relating to secured transactions under [AS 45.29](#).

(b) The Department of Natural Resources may adopt regulations prescribing the records to be maintained and the documents to be filed, consistent with [AS 45.29](#), and regulations authorizing the forms to be used under [AS 45.29.516\(b\)\(8\)](#).

(c) The Department of Natural Resources shall prescribe in regulation, and account for, filing fees and shall do all other things necessary to maintain the central filing office. For a document that is to be filed

for multiple purposes, the department may collect the applicable filing fee for each of the multiple purposes.

(d) To keep the filing office regulations and practices of the filing office in harmony with the regulations and practices of filing offices in other jurisdictions that enact laws that are substantially similar to [AS 45.29.501](#) – 45.29.525, and to keep the technology used by the filing office compatible with the technology used by filing offices in those other jurisdictions, the Department of Natural Resources, so far as is consistent with the purposes, policies, and provisions of [AS 44.37.010](#) – 44.37.050, in adopting, amending, and repealing filing office regulations, shall

(1) consult with filing offices in other jurisdictions that enact laws that are substantially similar to [AS 45.29.501](#) – 45.29.525; and

(2) consult the most recent version of the Model Rules promulgated by the International Association of Corporate Administrators or any successor organization; and

(3) take into consideration the regulations and practices of, and the technology used by, filing offices in other jurisdictions that enact laws that are substantially similar to [AS 45.29.501](#) – 45.29.525.

(e) The Department of Natural Resources shall report annually on or before January 15 to the governor on the operation of the filing office described in [AS 45.29.501\(a\)\(2\)](#). The report must contain a statement of the extent to which the filing office regulations are not in harmony with

(1) the regulations of filing offices in other jurisdictions that enact laws that are substantially similar to [AS 45.29.501](#) – 45.29.525 and the reasons for these variations; and

(2) the most recent version of the Model Rules promulgated by the International Association of Corporate Administrators, or any successor organization, and the reasons for these variations.

(f) Under [AS 37.05.146\(c\)](#), fees for services of the Department of Natural Resources related to uniform commercial code filing under this section shall be accounted for separately, and appropriations from the account are not made from the unrestricted general fund.

Sec. 44.37.030. Duties of department with respect to agriculture.

(a) The Department of Natural Resources shall

(1) obtain and publish information electronically and in print on subjects connected with agriculture, including community seed libraries established under [AS 03.20.120](#);

(2) control and regulate the entry and transportation of seeds, plants, and other horticultural products;

(3) control and eradicate the spread of pests injurious to plants, trees, vegetables, livestock, and poultry;

(4) aid in developing used and unused agricultural resources; and

(5) experiment and determine practical methods of growing, processing, soil analysis, eradication of obnoxious weeds, control of insects, and cheaper and more satisfactory methods of land clearing.

- (b) The Department of Natural Resources may
- (1) advise persons who establish or operate a community seed library under [AS 03.20.120](#); and
 - (2) post on the department's Internet website and annually update the following:
 - (A) information about noncommercial giving or exchanging of seed, including information about community seed libraries established under [AS 03.20.120](#), community seed library locations, community seed library facilitators, and best practices for noncommercial giving or exchanging of seed;
 - (B) an online registration form for a person involved in noncommercial giving or exchanging of seed to submit to the department for publication, without a fee, information under [AS 03.20.140](#);
 - (C) information provided for publication under (B) of this paragraph.

Sec. 44.37.040. Duties of department with respect to historic preservation and archeology.

The Department of Natural Resources shall

- (1) sponsor, engage in, and direct fundamental research into the archeology of the state and encourage and coordinate archeological research and investigation undertaken in the state;
- (2) cooperate with the Alaska Historical Commission in performing their functions under [AS 41.35](#);
- (3) ensure that historic, prehistoric, and archeological resources are properly reported by persons or agencies engaged in public construction work, and protect sites and objects of significance discovered at state sites or discovered during the course of public construction, and encourage the protection of sites and objects discovered during the course of any other construction work;
- (4) investigate reported historic, prehistoric, or archeological resources and appraise them for any future excavation, preservation, and interpretation;
- (5) serve as a central clearinghouse for information on all historic, prehistoric, and archeological resource excavation in the state.

Sec. 44.37.050. Duties of department with respect to management of mental health trust land.

(a) To carry out its duties under [AS 38.05.801](#), the Department of Natural Resources shall establish a separate unit with responsibility for management of the mental health trust land.

(b) The employees of the unit established under this section are in the exempt service under [AS 39.25.110](#).

Secs. 44.37.055 , 44.37.060. Deputy commissioner; certain powers and duties of the deputy commissioner. [Repealed § 38, E.O. 114 (2008).]

Article 2. Alaska Seismic Hazards Safety Commission.

Sec. 44.37.065. Commission established; membership.

(a) The Alaska Seismic Hazards Safety Commission is established in the Department of Natural Resources. The Department of Natural Resources shall provide staff support to the commission.

(b) The commission is composed of 11 members appointed by the governor for terms of three years. A vacancy is filled for the unexpired term.

(c) The governor shall appoint to the commission

(1) a representative from the University of Alaska;

(2) three representatives, each from a local government in a separate seismically active region of the state;

(3) a representative from the Department of Natural Resources;

(4) a representative from the Department of Military and Veterans' Affairs;

(5) a representative from an appropriate federal agency;

(6) a representative of the insurance industry; and

(7) three members from members of the public who are expert in the fields of geology, seismology, hydrology, geotechnical engineering, structural engineering, emergency services, or planning.

(d) The commission shall elect annually from its members a chair and vice-chair. A majority of the commission may vote to replace an officer of the commission.

(e) Six members constitute a quorum.

(f) Members of the Alaska Seismic Hazards Safety Commission serve without compensation but are entitled to per diem and travel expenses authorized for boards and commissions under [AS 39.20.180](#).

Sec. 44.37.067. Powers and duties.

(a) The commission shall

(1) recommend goals and priorities for seismic hazard mitigation to the public and private sectors;

(2) recommend policies to the governor and the legislature, including needed research, mapping, and monitoring programs;

(3) offer advice on coordinating disaster preparedness and seismic hazard mitigation activities of government at all levels, review the practices for recovery and reconstruction after a major earthquake, and recommend improvements to mitigate losses from similar future events;

(4) gather, analyze, and disseminate information of general interest on seismic hazard mitigation;

(5) establish and maintain necessary working relationships with other public and private agencies;

(6) review predictions and warnings issued by the federal government, research institutions, and other organizations and persons and suggest appropriate responses at the state and local levels; and

(7) review proposed seismic hazard notifications and supporting information from state agencies, evaluate possible socioeconomic consequences, recommend that the governor issue formal seismic hazard notifications when appropriate, and advise state and local agencies of appropriate responses.

(b) The commission may

(1) advise the governor and the legislature on disaster preparedness and seismic hazard mitigation and on budgets for those activities and may recommend legislation or policies to improve disaster preparedness or seismic hazard mitigation;

(2) conduct public hearings;

(3) appoint committees from its membership and appoint external advisory committees of ex-officio members; and

(4) accept grants, contributions, and appropriations from public agencies, private foundations, and individuals.

Sec. 44.37.069. Definitions.

In [AS 44.37.065](#) – 44.37.069,

(1) “commission” means the Alaska Seismic Hazards Safety Commission;

(2) “disaster preparedness” means establishing plans and programs for responding to and distributing funds to alleviate losses from a disaster as defined in [AS 26.23.900](#);

(3) “seismic hazard” means an earthquake-induced geologic condition that is a potential danger to life and property; in this paragraph, “geologic condition” includes strong ground shaking, landslide, avalanche, liquefaction, tsunami inundation, fault displacement, and subsidence;

(4) “seismic hazard mitigation” or “mitigation” mean activities that prevent or alleviate the harmful effects of seismic hazards to persons and property, including identification and evaluation of the seismic hazards, assessment of the risks, and implementation of measures to reduce potential losses before a damaging event occurs;

(5) “tsunami” means a large ocean wave produced by an earthquake, landslide, or volcanic eruption.

Secs. 44.37.100 – 44.37.180. Northwestern Alaska Development Commission. [Repealed, § 99 ch 59 SLA 1982.]

Sec. 44.37.190. State archeologist and duties. [Repealed, § 10 ch 112 SLA 1974.]

Article 3. Carbon Sequestration.

Secs. 44.37.200 – 44.37.220. Carbon sequestration studies and recommendations; assessment by the commissioner; definitions.

[Repealed, § 3 ch 152 SLA 2004.]

Article 4. Tax Credit Certificates and Overriding Royalties.

Sec. 44.37.230. Duties of the department with respect to purchases of tax credit certificates and overriding royalty interest agreements.

(a) The department shall provide necessary information to and consult with the Department of Revenue to determine whether a discount rate is applicable under AS 43.55.028(m).

(b) The department may enter into an overriding royalty interest agreement in favor of the state with an applicant that requests a purchase by the Department of Revenue under AS 43.55.028 from money disbursed to the commissioner of revenue from the Alaska Tax Credit Certificate Bond Corporation reserve fund established in AS 37.18.040 of a transferable tax credit certificate issued under AS 43.55.023 or production tax credit certificate issued under AS 43.55.025. The department may enter into an agreement only if the anticipated net present value from the agreement to the state is equal to or greater than the remainder of the value of the tax credit certificate requested for purchase at the proposed reduced discount rate under AS 43.55.028(m)(2), subtracted from the value of the tax credit certificate requested for purchase in the absence of the agreement.

(c) An applicant requesting a reduced discount rate under AS 43.55.028(m)(2) shall submit a proposed agreement to the department. The proposed agreement must include

(1) a description of the lease or leases in which the applicant holds a working interest that are subject to the proposed agreement;

(2) the overriding royalty interest in oil produced from the lease or leases offered to the state under the proposed agreement expressed as a percentage of the total oil produced from the lease or leases; a percentage proposed under this paragraph may not exceed the working interest of the applicant.

(d) The monthly payment to the state under an agreement is calculated by multiplying the prevailing value of the monthly oil production from the lease or leases subject to the agreement by the product of the total monthly volume of oil production from the lease or leases subject to the agreement and the percent of total oil production offered to the state under the agreement. A deduction may not be applied to a payment calculated under this subsection. The Department of Revenue shall determine and post on its Internet website the prevailing value of the oil under AS 43.55 as provided in regulation.

(e) The amount of an underpayment or overpayment of a monthly payment for a payment in an agreement bears interest in each calendar quarter at the rate of 5.25 percentage points above the annual rate charged to member banks for advances by the 12th Federal Reserve District as of the first day of that calendar quarter, compounded quarterly as of the last day of that quarter.

(f) When evaluating an agreement, the department shall consider

(1) the anticipated costs to issue and administer a bond under AS 37.18 if the tax credit certificate is purchased at a reduced discount rate under AS 43.55.028(m)(2);

(2) the production or projected production from a lease subject to the proposed agreement;

(3) the value or projected value of the oil produced from a lease subject to the proposed agreement;

(4) the timing for production from a lease subject to the proposed agreement;

(5) the likelihood of production from a lease subject to the proposed agreement;

(6) the existence of and burdens on other interests on a lease subject to the proposed agreement;

(7) cost data or financial information submitted with the proposed agreement; and

(8) other information submitted with the proposed agreement.

(g) The department may request from an applicant additional information necessary to make a determination under (f) of this section. Before an agreement may be entered into, an applicant shall provide the information requested by the department under this subsection.

(h) The department may enter into an agreement necessary to carry out the purpose of this section, including an agreement to maintain the confidentiality of information submitted to the department to evaluate an overriding royalty interest agreement.

(i) The department shall separately account for the revenue collected from an agreement that the department deposits in the general fund. The legislature may appropriate the annual estimated balance in the account to the Alaska Tax Credit Certificate Bond Corporation reserve fund established under [AS 37.18.040](#).

(j) In this section, unless the context requires otherwise,

(1) "agreement" means an overriding royalty interest agreement described in this section;

(2) "applicant" includes an agent or representative of the applicant;

(3) "department" means the Department of Natural Resources.