

HOUSE BILL NO. 359

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 2/9/00

Referred: Resources, Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to notice requirements for certain final findings concerning the
2 disposal of an interest in state land or resources for oil and gas; relating to
3 administrative appeals and petitions for reconsideration of decisions of the
4 Department of Natural Resources; and providing for an effective date."

5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 * **Section 1.** AS 27.19.080 is amended to read:

7 **Sec. 27.19.080. Administrative Procedure Act.** Except as provided in
8 AS 44.37.011, AS 44.62 (Administrative Procedure Act) applies to this chapter.

9 * **Sec. 2.** AS 27.21.980 is amended to read:

10 **Sec. 27.21.980. Administrative Procedure Act.** Unless otherwise provided
11 in AS 44.37.011 or other law, AS 44.62 (Administrative Procedure Act) applies to
12 this chapter.

13 * **Sec. 3.** AS 44.37 is amended by adding a new section to read:

14 **Sec. 44.37.011. Additional procedures for administrative appeals and**

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

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

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

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

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

27 * **Sec. 4.** AS 38.05.945(a)(3)(B) is repealed.

28 * **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section
29 to read:

30 **APPLICABILITY.** This Act applies to an administrative appeal first filed with the
31 Department of Natural Resources on or after the effective date of this Act.

1 * **Sec. 6.** This Act takes effect immediately under AS 01.10.070(c).