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Bullard
2/5/16

CS FOR SENATE BILL NO. 118()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - SECOND SESSION

BY

**Offered:
Referred:**

Sponsor(s): SENATOR COSTELLO

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to surveys required to be submitted to the Department of Natural**
2 **Resources; relating to peer review by a licensed land surveyor of required surveys**
3 **submitted to the Department of Natural Resources; and providing for an effective date."**

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

5 *** Section 1.** AS 38.05 is amended by adding a new section to read:

6 **Sec. 38.05.955. Review of surveys; peer review.** (a) When a person submits
7 to the department a survey required for the lease, sale, or disposal of land under this
8 chapter or AS 38.35, the department shall notify the person within two weeks after the
9 submission if the department intends to review the survey and that the person may
10 request that a land surveyor qualified under (d) of this section, rather than the
11 department, review the survey. The department shall refer the review of the survey to
12 a land surveyor selected by the person and qualified under (d) of this section for a peer
13 review when requested by the person submitting the survey. A person may request that
14 the department refer a survey to the person's selected land surveyor for a peer review

(1) within two weeks after receiving notice of review under this subsection; or

(2) if notice of review is not provided, within two weeks after the expiration of the period required for the department to issue a notice of review.

(b) The department shall adopt regulations necessary to establish standards for a peer review under this section. The standards must be limited to determining whether the survey

(1) accurately depicts and describes the surveyed location;

(2) meets or exceeds the standards for the practice of land surveying under AS 08.48;

(3) meets or exceeds requirements for a survey under this chapter or AS 38.35.

(c) The department retains the authority to render a final decision on the accuracy of a survey referred to a land surveyor under this section. A final decision must be issued by the department not later than two weeks after the land surveyor completes the peer review.

(d) To conduct a peer review of a survey under this section a land surveyor shall

(1) be registered as a land surveyor under AS 08.48; and

(2) have submitted a survey to the department within the last 15 years.

(e) In this section, "survey" means a final land, submerged land, or tideland survey, or a plat, replat, as-built, or similar survey document issued by a registered land surveyor, stamped as required under AS 08.48.221.

* **Sec. 2.** AS 38.35.015 is amended to read:

Sec. 38.35.015. Powers of the commissioner. The commissioner has all powers necessary and proper to implement the policy, purposes, and provisions of this chapter, so as to subserve, as the exercise of reasoned discretion determines, the public interest, convenience and necessity, including [BUT NOT LIMITED TO]

(1) granting leases of state land for pipeline right-of-way purposes;

(2) leasing, purchasing, or otherwise acquiring (including condemning by declaration of taking) easements or other interests in land in this state for the

purpose of utilizing or granting leases of the land, easements, or interests for pipeline right-of-way purposes;

(3) purchasing interests in pipelines in accordance with options included in right-of-way leases;

(4) investigating any matters concerning any lessee with a view to assuring compliance by it with its right-of-way lease, this chapter, and any other applicable state or federal law;

(5) developing from time to time and maintaining a comprehensive master plan for pipeline transportation development;

(6) developing and promoting programs to foster efficient, economical, and safe pipeline transportation services in the state;

(7) coordinating the activities of the commissioner under this chapter with the transportation and other relevant activities of other public agencies and authorities;

(8) constructing, extending, enlarging, improving, repairing, acquiring, operating, or engaging in transportation, service, or sale by any pipeline or providing for these by contract, lease, or other arrangement on those terms that the commissioner may consider necessary, convenient, or desirable with any agency, corporation, or person, including [BUT NOT LIMITED TO] any carrier or any state agency, when the commissioner determines that a lessee carrier is not willing to undertake and complete the action within a reasonable time, and to sell, lease, grant, and dispose of any property constructed or acquired in the exercise of this power;

(9) providing for a peer review of a survey submitted under this chapter as provided in AS 38.05.955.

* **Sec. 3.** The uncoded law of the State of Alaska is amended by adding a new section to read:

TRANSITION: REGULATIONS. The Department of Natural Resources may adopt regulations necessary to implement the changes made by this Act. The regulations take effect under AS 44.62 (Administrative Procedure Act), but not before the effective date of the law implemented by the regulation.

* **Sec. 4.** Section 3 of this Act takes effect immediately under AS 01.10.070(c).

1 * **Sec. 5.** Except as provided in sec. 4 of this Act, this Act takes effect January 1, 2017.