

HOUSE BILL NO. 215

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES CHENAULT, Neuman, Fairclough, Johnson, Hawker, Olson, Feige, Millett

Introduced: 3/29/11

Referred: Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the judicial review of a right-of-way lease or the development or
2 construction of an oil or gas pipeline on state land."

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

4 * **Section 1.** AS 38.35.200 is amended to read:

5 **Sec. 38.35.200. Judicial review** [OF DECISIONS OF COMMISSIONER
6 **ON APPLICATION**]. (a) An applicant, a [OR] competing applicant, or a person who
7 has a direct financial interest affected by the lease of a right-of-way under this
8 chapter, that [WHO] raises an objection [OBJECTIONS] within the later of 60 days
9 after the effective date of this Act or [OF] the publication of notice under
10 AS 38.35.070, are the only persons with standing to seek judicial review of
11 (1) a decision of the commissioner under AS 38.35.100; or
12 (2) an approval, permit, license, certificate, or other authority
13 related to the development or construction of a pipeline project that uses a right-
14 of-way subject to this chapter.

1 (b) The only grounds for judicial review **authorized under (a) of this section**
2 [OF A DECISION OF THE COMMISSIONER] are
3 (1) failure to follow the procedures set out in this chapter; or
4 (2) abuse of discretion so capricious, arbitrary, or confiscatory as to
5 constitute a denial of due process.