

SENATE BILL NO. 118

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-NINTH LEGISLATURE - SECOND SESSION

BY SENATOR COSTELLO

Introduced: 1/8/16
Referred: Prefiled

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 the State Board of Registration for Architects,**
3 **Engineers, and Land Surveyors of required surveys submitted to the Department of**
4 **Natural Resources; and providing for an effective date."**

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

6 * **Section 1.** AS 08.01.065(f) is amended to read:

7 (f) Notwithstanding (c) of this section, the department shall

8 **(1)** establish fee levels under (a) of this section so that the total amount
9 of fees collected by the State Board of Registration for Architects, Engineers, and
10 Land Surveyors approximately equals the total regulatory costs of the department and
11 the board for all occupations regulated by the board;

12 **(2)** [. THE DEPARTMENT SHALL] set the fee levels for the issuance
13 and renewal of a certificate of registration issued under AS 08.48.211 so that the fee
14 levels are the same for all occupations regulated by the board;

1 **(3) establish fees for a peer review by the State Board of**
 2 **Registration for Architects, Engineers, and Land Surveyors of a survey under**
 3 **AS 08.48.101; the person or entity submitting the survey for review shall pay the**
 4 **fees established under this subsection.**

5 * **Sec. 2.** AS 08.48.071(d) is amended to read:

6 (d) Board records and papers of the following class are of a confidential nature
 7 and are not public records: examination material for examinations not yet given, file
 8 records of examination problems, solutions, letters of inquiry and reference
 9 concerning applicants, board inquiry forms concerning applicants, investigation files if
 10 an investigation is still pending, **proprietary information and trade secrets**
 11 **contained in surveys submitted for review under AS 38.05.955,** and all other
 12 matters of a like confidential nature.

13 * **Sec. 3.** AS 08.48.101 is amended by adding a new subsection to read:

14 (c) The board shall adopt regulations to establish procedures for convening a
 15 committee to conduct a peer review of a survey under AS 38.05.955; regulations
 16 adopted under this paragraph must require that a committee include at least three
 17 professional land surveyors each of whom

18 (1) is not an employee of the Department of Natural Resources;

19 (2) does not have a significant financial interest in the project that is
 20 the subject of the review; in this subparagraph, "significant financial interest" does not
 21 include an interest possessed generally by the public or a large class of persons; and

22 (3) is qualified to evaluate the survey.

23 * **Sec. 4.** AS 38.05 is amended by adding a new section to read:

24 **Sec. 38.05.955. Review of surveys; peer review.** (a) When a person submits
 25 to the department a survey required for the lease, sale, or disposal of land under this
 26 chapter or AS 38.35, the department shall notify the person within two weeks after the
 27 submission if the department intends to review the survey and that the person may
 28 request that the State Board of Registration for Architects, Engineers, and Land
 29 Surveyors, rather than the department, review the survey. The department shall refer
 30 the review of the survey to the State Board of Registration for Architects, Engineers,
 31 and Land Surveyors for a peer review under AS 08.48.101(c) when requested by the

1 person submitting the survey. A person may request that the department refer a survey
2 for a peer review under AS 08.48.101(c)

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

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

7 (b) The department shall adopt regulations necessary to establish standards for
8 a peer review committee convened under AS 08.48.101(c) to conduct a peer review
9 under this section. The standards must be limited to determining whether the survey

10 (1) accurately depicts and describes the surveyed location;

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

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

15 (c) The department retains the authority to render a final decision on the
16 accuracy of a survey referred to the State Board of Registration for Architects,
17 Engineers, and Land Surveyors. A final decision must be issued by the department not
18 later than two weeks after the State Board of Registration for Architects, Engineers,
19 and Land Surveyors completes the peer review.

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

23 * **Sec. 5.** AS 38.35.015 is amended to read:

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

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

29 (2) leasing, purchasing, or otherwise acquiring (including condemning
30 by declaration of taking) easements or other interests in land in this state for the
31 purpose of utilizing or granting leases of the land, easements, or interests for pipeline

1 right-of-way purposes;

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

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

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

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

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

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

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

24 * **Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to
25 read:

26 TRANSITION: REGULATIONS. The Department of Natural Resources, the
27 Department of Commerce, Community, and Economic Development, and the State Board of
28 Registration for Architects, Engineers, and Land Surveyors may adopt regulations necessary
29 to implement the changes made by this Act. The regulations take effect under AS 44.62
30 (Administrative Procedure Act), but not before the effective date of the law implemented by
31 the regulation.

- 1 * **Sec. 7.** Section 6 of this Act takes effect immediately under AS 01.10.070(c).
- 2 * **Sec. 8.** Except as provided in sec. 7 of this Act, this Act takes effect January 1, 2017.