

STATEMENT OF PURPOSE

RS21580

The Federal Emergency Management Agency (FEMA) has a process by which flood elevations are established for the purposes of flood insurance determination. That process is a collaborative one between surveyors and engineers. The surveyors determine the elevation datum and the engineers then determine the base flood elevation at various locations along a floodway. Hence, both surveyors and engineers must certify elevations in that process. In addition, FEMA has an "Elevation Certificate" for the purpose of qualifying for the National Flood Insurance Program. That certificate must be signed and sealed by a land surveyor, engineer, or architect "authorized by law to certify elevation information." No current section of Idaho Code authorizes any profession to certify elevations. This legislation would authorize both engineers and land surveyors to do so.

Current law allows the Board to dismiss a charge against a licensee if they find the charge to be "unfounded or trivial." The Board is hesitant to dismiss a charge as "trivial" because the charge would not have been made by a complainant if the complainant believed it was "trivial." The Board does, however, occasionally find that a charge relates to such a minor matter that it is not cost effective or appropriate to pursue disciplinary action against a licensee. This legislation would change the word "trivial" to "de minimus" to reflect the minor nature of such offenses.

Current law allows the Board to reissue or restore a license that was revoked by affirmative vote of three (3) of the Board Members. The Board believes there may be circumstances under which they would want to reinstate or restore a revoked license, but believes that since the license could only be taken following an action authorized in the Administrative Procedures Act it should only be reinstated or restored through a hearing as provided in the same Act. This legislation would require a hearing in order to reissue or restore a revoked license and it clarifies matters regarding reissuance of a lost, destroyed or mutilated wall certificate.

Current law allows land surveyors to take testimony, under oath, as to the location of a land survey corner that cannot be found. Current law uses the term "lost" in reference to such a corner. In surveyor parlance, if the location of a corner can be reestablished by evidence, rather than mathematical proportion, it is an "obliterated" corner, not a "lost" corner. This legislation would replace the term "lost" with the term "obliterated" and would add the definition of "obliterated" to the definitions in this chapter.

FISCAL NOTE

There is no impact to the General Fund or to the dedicated funds of the Board of Professional Engineers and Professional Land Surveyors.

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