

Geographic Information Coordinating Council
Surveyors' Model Law Working Group

Report to the Council on Working Group Activities
May 13, 2009

The Working Group met on March 12 to review the response from the NC Board of Examiners for Engineers and Land Surveyors dated January 9, 2009.

The Working Group discussed differences between the Board and the GIS community on the handling of data collection for specific GIS data layers. The following points summarize the discussion:

- Mapping should be able to be accomplished without restriction because the purpose is typically not an “authoritative” delineation.
- Requiring surveyors for all of these tasks would be cost prohibitive and unrealistic.
- The public does not read or appreciate disclaimers that are usually prominent on local government websites where GIS data is concerned.
- The average citizen considers the GIS file to be the most accurate, when it is frequently not the most accurate.
- The approach of listing the layers and getting the view of NCBELS may not be the best approach because it is impossible to anticipate all of the data layers that might need an interpretation. Rather, the GIS community and the Board need to agree on some principles that can be applied to any data layer.
- The Working Group (and the GICC) needs a ruling on the “local government working for another local government” issue.
- The Working Group (and the GICC) needs a ruling on whether a COG is considered a local government under the General Statutes.
- The Working Group needs to find a definition for “authoritative” to ensure that we are interpreting its meaning correctly.
- The Working Group discussed each data layer and the Board’s interpretation of whether a surveyor is required for data collection for that layer.

The Working Group asked the Chair, Herb McKim, and Tim Johnson, GICC Staff, to meet with the Board (Andrew Ritter and Gary Thompson) to discuss the results of the Working Group’s review.

The subject discussion was held on March 20. The following points were made, creating a path forward for resolution:

- Gary Thompson will ask David Tuttle, the Board Legal Counsel, to seek an informal opinion from the Attorney General’s Office on the issue of whether COGs are considered local governments in the General Statutes.
- The Local Government Committee of the GICC will be asked to seek an informal opinion from the Attorney General’s Office on the issue of whether a local government can

perform data collection for another local government outside of its political jurisdiction (e.g., a county performing work for another county).

- Data collection for mapping, inventory, and asset management purposes is acceptable by the Board and should continue without the need for a surveyor.
- The GICC needs to encourage the use of disclaimers regarding accuracy by those in the public sector (and elsewhere as well) who make GIS data available to the public.
- Data that is the “authoritative” location does require collection by a surveyor.
- All parties involved in these issues should seek a definition for “authoritative” since it is used frequently in writings and discussions by all parties on who can perform data collection and impacts how that data can be used by others.

The Board representatives were cooperative and indicated that they would encourage the Board to seek rules changes that address the “authoritative” location of data as the guiding language in lieu of a list of various data layers. Both the Working Group meeting and the subsequent meeting with Board representatives are taking the issues toward resolution.