

CHARTER

Working Group for Professional Land Surveying and GIS

The **Working Group for Professional Land Surveying and GIS** is a special committee of the North Carolina Geographic Information Coordinating Council (GICC) and operates under the authority of the Council. The Council has the authority to dissolve the working group when its tasks have been completed.

Background

The land surveying and GIS communities have a history of interaction on geospatial data collection issues dating back to the late 1990s. The primary concern has centered around the role, responsibilities, and authority for creating and using geospatial data in the private and public sectors, as it relates to General Statute Chapter 89C (Engineering and Land Surveying) and General Statute Chapter 143B-1420 (Geographic Information Coordinating Council Established; Role of the Center for Geographic Information and Analysis).

The GICC first created an ad-hoc committee to consider this topic in 2004. The purpose of that committee was to assess issues surrounding the National Council of Examiners for Engineering and Surveying (NCEES) Model Law and its potential adoption in North Carolina. The committee issued a report with five recommendations. The report stated that emphasis needed to be placed on the importance of the administrative rules to be developed along with the Model Law to clarify what is and is not the practice of land surveying as it pertains to GIS. The need for cooperation, outreach and education was also highlighted.

The Surveyors' Model Law Working Group was formed in late 2007 and met through mid-2010 to address lingering concerns over GS §89C. The group engaged the NC Board of Engineers and Land Surveyors (NCBELS) from the outset. The working group worked closely with NCBELS on a data layer listing, originating with the *NC OneMap* priority data layers, yielding a determination of whether each layer was included or excluded from the definition of land surveying.

Outstanding questions were identified by the working group leading to requests for advisory opinions from the Attorney General's Office. The summary points from the opinions were:

- “Our opinion is that so long as the data are collected by an employee of the State of North Carolina, any political subdivision of the State or a municipality while engaged in that activity in the course of their employment, pursuant to N.C.G.S. § 89C-25(7), such collection of GIS data in each of the seven instances you specify is permissible.”
[Editor's note: The seven instances are listed below.]
 1. Is a municipality permitted to collect data outside of its municipal limit?
 2. Is a municipality (Municipality A) permitted to collect data for another municipality (Municipality B), within the boundaries of Municipality B?

3. Is a municipality permitted to collect data for a county outside the boundary of the municipality?
 4. Is a county permitted to collect data for another county?
 5. Can a municipality collect data in that city's Extra-Territorial Jurisdiction (ETJ) area?
 6. Can a county collect data within an incorporated city/town area?
 7. Can a municipality collect data outside its corporate or ETJ limits but within an area for which the municipality services with utilities such as water, sewer or electricity or for which the municipality serves as lead organization for a regional organization?
- The legislation “is unambiguous and clearly removes county and municipal employees collecting of GIS data from the purview of licensing requirements of N.C.G.S. § 89C-23 while engaged in that activity in the course of employment.” The Attorney General’s office does note that no court has reviewed this section of the law and that the issue is subject to judicial interpretation.
 - Regarding the applicability of the law to a regional council of government (COG), the Attorney General’s Office concluded that “so long as a COG has been so authorized by resolution of its member governments, the COG can perform engineering and surveying work to the same extent as can a ‘political subdivision of the State’ or ‘municipalities’ as set out in G.S. 89C-25(7).”

The working group concluded its work with a report to the Council emphasizing the advisory opinions from the Attorney General’s Office. The Council deactivated the working group satisfied the task assigned had been completed.

In the interim since the 2010 working group, SL2014-120 and SL2015-264 have been ratified affecting the language in GS §89C. The GICC needs to assess the impact of these changes on the GIS community in North Carolina, who routinely collect geospatial data without land surveyors in the production flow.

Purpose of the Working Group

The purpose of the Working Group for Professional Land Surveying and GIS is to work with NCBELS to define GIS in North Carolina, define the scope of engineering and surveying services in relation to GIS, articulate how GIS is practiced by GIS professionals, review the legislation to clarify the language and if needed, make recommendations on how to enable GIS practices through agencies and Boards that are stakeholders, including potential modifications to legislation and rules governing professional land surveying and GIS. The Working Group will communicate results of its work to the broader GIS community.

Topics and Tasks

The Working Group for Professional Land Surveying and GIS will perform the following tasks during the course of its work:

- Evaluate the language in GS §89C today, resulting from changes in 2014 and 2015 by the General Assembly.
- Evaluate the language in GS §143B-1420.

- Develop a set of use cases – state government, local government, and private sector, and apply our understanding of GS §89C to those use cases.
- Conduct outreach concerning the working group’s activities. The use cases form a basis for discussion. Refine and add to use cases.
- Define the scope of engineering and surveying services in relation to GIS and vice-versa. (This is a broad-vision document versus the specifics of the use cases.)
- Discuss interpretations with NCBELS.
- Recommend next steps leading to a common understanding of GS §89C.
- If needed, recommend clarification of, or modification to, NCBELS rules regarding GIS and professional land surveying.
- If needed, recommend legislation to clarify the meaning of GS §89C and enable GIS practitioners to perform their work responsibilities to meet the needs of employers and the public.

Reporting

The Working Group will report regularly to the GICC’s Management & Operations Committee and to the Council as deemed necessary by the Council Chair and the Chair of the Working Group.

Appointment of the Chair

The Chair of the GICC will appoint the Vice-Chair of the Council to serve as Chair of the Working Group.

Committee Membership

The Working Group for Professional Land Surveying and GIS includes volunteers from various stakeholders represented on the Council who are impacted by the language contained in General Statute Chapter 89C (Engineering and Land Surveying). Membership includes state and local government and private sector representatives. The Chair of the Working Group may add additional members as necessary.

- City government representatives
- County government representatives
- NC Department of Agriculture and Consumer Services
- NC Department of Public Safety
- NC Department of the Secretary of State
- NC Department of Transportation
- Private sector representative
- Regional government representative
- Utility industry representative
- Center for Geographic Information & Analysis

Approved by the Management & Operations Committee of the GICC, July 6, 2016