

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 550*

Short Title: Irrigation Syst. Design Not Engineering.

(Public)

Sponsors: Senators Albertson; Cooper, Kerr, Martin of Pitt, Perdue, Plyler, Warren, and Wellons.

Referred to: Commerce.

March 27, 1997

A BILL TO BE ENTITLED

1 AN ACT TO AMEND CHAPTER 89C OF THE GENERAL STATUTES TO PROVIDE
2 THAT THE DESIGN OF LAND APPLICATION IRRIGATION SYSTEMS FOR
3 ANIMAL WASTE MANAGEMENT SYSTEMS MAY BE PERFORMED BY
4 IRRIGATION DESIGN TECHNICAL SPECIALISTS AND CONCERNING
5 AGRICULTURAL BEST MANAGEMENT PRACTICES.
6

7 The General Assembly of North Carolina enacts:

8 Section 1. G.S. 89C-25 reads as rewritten:

9 **"§ 89C-25. Limitations on application of Chapter.**

10 This Chapter shall not be construed to prevent or affect:

11 (1) The practice of architecture, landscape architecture, or contracting or
12 any other legally recognized profession or ~~trade; or trade.~~

13 (2) The practice of professional engineering or land surveying in this State
14 or by any person not a resident of this State and having no established
15 place of business in this State when this practice does not aggregate
16 more than 90 days in any calendar year, whether performed in this State
17 or elsewhere, or involve more than one specific project; provided,
18 however, that such person is legally qualified by registration to practice
19 the said profession in his own state or country, in which the

1 requirements and qualifications for obtaining a certificate of registration
2 are satisfactory to the Board; in which case the person shall apply for
3 and the Board will issue a temporary ~~permit~~; or permit.

4 (3) The practice of professional engineering or land surveying in this State
5 not to aggregate more than 90 days by any person residing in this State,
6 but whose residence has not been of sufficient duration for the Board to
7 grant or deny registration; provided, however, such person shall have
8 filed an application for registration as a professional engineer or
9 registered land surveyor and shall have paid the fee provided for in G.S.
10 89C-14, and provided that such a person is legally qualified by
11 registration to practice professional engineering or land surveying in his
12 own state or country in which the requirements and qualifications for
13 obtaining a certificate of registration are satisfactory to the Board, in
14 which case the person shall apply for and the Board will issue a
15 temporary ~~permit~~; or permit.

16 (4) Engaging in engineering or land surveying as an employee or assistant
17 under the responsible charge of a professional engineer or registered
18 land surveyor or as an employee or assistant of a nonresident
19 professional engineer or a nonresident registered land surveyor provided
20 for in subdivisions (2) and (3) of this section, provided that said work as
21 an employee may not include responsible charge of design or
22 ~~supervision~~; or supervision.

23 (5) The practice of professional engineering or land surveying by any
24 person not a resident of, and having no established place of business in
25 this State, as a consulting associate of a professional engineer or
26 registered land surveyor registered under the provisions of this Chapter;
27 provided, the nonresident is qualified for such professional service in his
28 own state or ~~country~~; or country.

29 (6) Practice by members of the armed forces or employees of the
30 government of the United States while engaged in the practice of
31 engineering or land surveying solely for said government on
32 government-owned works and projects; or practice by employees of the
33 Natural Resources Conservation Service which involves the planning or
34 designing of best management practices on agricultural lands.

35 (7) The internal engineering or surveying activities of a person, firm or
36 corporation engaged in manufacturing, processing, or producing a
37 product, including the activities of public service corporations, public
38 utility companies, authorities, State agencies, railroads, or membership
39 cooperatives, or the installation and servicing of their product in the
40 field; or research and development in connection with the manufacture
41 of that product or their service; or of their research affiliates; or their
42 employees in the course of their employment in connection with the
43 manufacture, installation, or servicing of their product or service in the

1 field, or on-the- premises maintenance of machinery, equipment, or
2 apparatus incidental to the manufacture or installation of the product or
3 service of a firm by the employees of the firm upon property owned,
4 leased or used by the firm; inspection, maintenance and service work
5 done by employees of the State of North Carolina, any political
6 subdivision thereof, or any municipality therein including construction,
7 installation, servicing, maintenance by regular full-time employees of
8 streets, street lighting, traffic-control signals, police and fire alarm
9 systems, waterworks, steam, electric and sewage treatment and disposal
10 plants; the services of superintendents, inspectors or foremen regularly
11 employed by the State of North Carolina or any political subdivision
12 thereof, or municipal corporation therein; provided, however, that the
13 internal engineering or surveying activity is not a holding out to or an
14 offer to the public of engineering or any service thereof as prohibited by
15 this Chapter. Engineering work, not related to the foregoing exemptions,
16 where the safety of the public is directly involved shall be under the
17 responsible charge of a registered professional engineer, or in
18 accordance with standards prepared or approved by a registered
19 professional engineer.

20 (8) The (i) preparation of fire sprinkler planning and design drawings by a
21 fire sprinkler contractor licensed under Article 2 of Chapter 87 of the
22 General Statutes, or (ii) the performance of internal engineering or
23 survey work by a manufacturing or communications common carrier
24 company, or by a research and development company, or by employees
25 of such corporations provided that such work is in connection with, or
26 incidental to products of, or nonengineering services rendered by such
27 corporations or their affiliates.

28 (9) The routine maintenance or servicing of machinery, equipment,
29 facilities or structures, the work of mechanics in the performance of
30 their established functions, or the inspection or supervision of
31 construction by a foreman, superintendent, or agent of the architect or
32 professional engineer, or services of an operational nature performed by
33 an employee of a laboratory, a manufacturing plant, a public service
34 corporation, or governmental operation.

35 (10) The design of land application irrigation systems for an animal waste
36 management plan, required by G.S. 143-215.10C, by a designer who
37 exhibits, by at least three years of relevant experience, proficiency in
38 soil science and basic hydraulics, and who is thereby listed as an
39 Irrigation Design Technical Specialist by the North Carolina Soil and
40 Water Conservation Commission."

41 Section 2. This act is retroactively effective March 1, 1997.