

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 550\*  
Second Edition Engrossed 4/17/97

Short Title: Irrigation Syst. Design Not Engineering.

(Public)

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

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Referred to: Commerce.

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March 27, 1997

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

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

1 the said profession in his own state or country, in which the  
2 requirements and qualifications for obtaining a certificate of registration  
3 are satisfactory to the Board; in which case the person shall apply for  
4 and the Board will issue a temporary ~~permit; or permit.~~

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

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

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

30 (6) Practice by members of the armed forces or employees of the  
31 government of the United States while engaged in the practice of  
32 engineering or land surveying solely for said government on  
33 government-owned works and projects; or practice by those employees  
34 of the Natural Resources Conservation Service having federal  
35 engineering job approval authority that involves the planning, designing  
36 or implementation of best management practices on agricultural lands.

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

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

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

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

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

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