

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 550\*  
Second Edition Engrossed 4/17/97  
House Committee Substitute Favorable 8/21/97

Short Title: Irrigation Syst. Design Not Engineering.

(Public)

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Sponsors:

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Referred to:

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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, AND CLARIFYING  
7 THAT THE ENVIRONMENTAL MANAGEMENT COMMISSION MAY  
8 REQUIRE INDIVIDUAL AS WELL AS GENERAL PERMITS FOR ANIMAL  
9 WASTE MANAGEMENT SYSTEMS

10 The General Assembly of North Carolina enacts:

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

12 **"§ 89C-25. Limitations on application of Chapter.**

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

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

16 (2) The practice of professional engineering or land surveying in this State  
17 or by any person not a resident of this State and having no established  
18 place of business in this State when this practice does not aggregate

1 more than 90 days in any calendar year, whether performed in this State  
2 or elsewhere, or involve more than one specific project; provided,  
3 however, that such person is legally qualified by registration to practice  
4 the said profession in his own state or country, in which the  
5 requirements and qualifications for obtaining a certificate of registration  
6 are satisfactory to the Board; in which case the person shall apply for  
7 and the Board will issue a temporary ~~permit; or permit.~~

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

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

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

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

41 (7) The internal engineering or surveying activities of a person, firm or  
42 corporation engaged in manufacturing, processing, or producing a  
43 product, including the activities of public service corporations, public

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

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

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

41 (10) The design of land application irrigation systems for an animal waste  
42 management plan, required by G.S. 143-215.10C, by a designer who  
43 exhibits, by at least three years of relevant experience, proficiency in

1                   soil science and basic hydraulics, and who is thereby listed as an  
2                   Irrigation Design Technical Specialist by the North Carolina Soil and  
3                   Water Conservation Commission."

4       Section 2. (a)     G.S. 143-215.1(a)(12) reads as rewritten:

5                   "(12) Construct or operate an animal waste management system, as defined in  
6                   G.S. 143-215.10B, without obtaining a permit under either this Part or  
7                   Part 1A of this Article."

8       (b)     G.S. 143-215.10C(a) reads as rewritten:

9                   "(a) No person shall construct or operate an animal waste management system for  
10                  an animal operation without first obtaining an individual permit under Part 1 of this  
11                  Article or a general permit under this Part. The Commission shall develop a system of  
12                  individual and general permits for animal operations based on species, number of  
13                  animals, and other relevant factors."

14                  Section 3. Section 1 of this act is retroactively effective March 1, 1997.  
15       Section 2 of this act is retroactively effective January 1, 1997.