

May 20, 2008

H 2353. IRRIGATION CONTRACTORS LICENSURE/FEEES. Filed 5/20/08. *TO AUTHORIZE THE LICENSURE OF IRRIGATION CONTRACTORS.*

Enacts new GS Chapter 89G establishing a nine-member North Carolina Irrigation Contractors' Licensing Board effective October 1, 2008, and creating a comprehensive system for the licensing and regulation of irrigation contractors effective January 1, 2009. Defines *irrigation contractor* as "[a]ny person who for compensation or other consideration constructs, installs, expands, services, or repairs irrigation systems" and requires a license to engage in this practice. Exempts from the license requirements the following:

- (1) federal or state agencies performing irrigation construction or contracting work on public property;
- (2) property owners who performs irrigation construction or contracting work on their own property;
- (3) landscape architects registered under GS Chapter 89A;
- (4) professional engineers licensed under GS Chapter 89C;
- (5) irrigation construction or contracting work where the total price is less than \$1,500 per jobsite over a 12-month period;
- (6) irrigation construction or contracting work for temporary irrigation to establish vegetative cover for erosion control;
- (7) irrigation construction or contracting work to control dust on commercial construction sites or mining operations;
- (8) irrigation construction or contracting work for use in agricultural production, farming, or ranching, including land application of animal waste water;
- (9) irrigation construction or contracting work for use in commercial sod production;
- (10) irrigation construction or contracting work for use in the commercial production of horticultural crops, including nursery and greenhouse operators.

Requires that an applicant meet the following qualifications to be licensed as an irrigation contractor:

- (1) the applicant must be at least 18 years old;
- (2) the applicant must be of good moral character;
- (3) the applicant must have three years of experience in irrigation construction or contracting or the educational equivalent. Two years of educational training equal one year of experience; and
- (4) the applicant must file with the board and maintain a corporate surety bond or a letter of credit in the amount of \$10,000.

Also requires applicants to pass an examination, which must test an applicant's understanding of the following subjects:

- (1) efficiency of water use and conservation in irrigation construction and contracting;
- (2) property methods of irrigation construction;
- (3) property methods of irrigation installation; and
- (4) basic business skills.

Makes exceptions to the exam requirement for individuals that have obtained Certified Irrigator Contractor or Certified Irrigation Designer and registered landscape contractors provided that specified conditions are met. Prescribes process for appointing members of licensing board, as well as terms of office and qualifications. Sets forth powers and duties

of board and authorizes board to take disciplinary action, assess civil penalties, and seek injunctive relief for specified violations.

Intro. by Gibson.

GS 89G

June 19, 2008

H 2353. IRRIGATION CONTRACTORS LICENSURE/FEES. Filed 5/20/08. House committee substitute makes the following changes to 1st edition.

Amends proposed new GS Chapter 89G (Irrigation Contractors) to add a definition for *irrigation system*. Expands the list of persons exempt from the provisions of the proposed chapter to include: (1) general contractors licensed under GS Chapter 87, Article 1, (2) waste water contractors certified under GS Chapter 90A, Article 5, who perform construction of or repair to a wastewater dispersal system, (3) public utility contractors licensed under GS Chapter 87, Article 1, and (4) plumbing contractors licensed under GS Chapter 87, Article 2, who perform certain specified types of tasks. Adds licensed plumbing contractors to the persons who may receive an irrigation contractor's license under this act without taking the examination. Directs the North Carolina Irrigation Contractors' Licensing Board to annually review the fees set out in proposed new GS 89G-10 to determine if the fees reflect the actual cost of administering the act.

Makes technical changes.

July 14, 2008

H 2353. IRRIGATION CONTRACTORS LICENSURE/ FEES. Filed 5/20/08. Senate committee substitute makes the following changes to 2nd edition.

Amends proposed new GS 89G-1 to define *irrigation system* to exclude surface water, potable water or groundwater sources, water taps, utility piping, water service lines, water meters, backflow prevention assemblies, stormwater systems that service only a structure's interior, and sanitary drainage systems. Clarifies that acceptable wiring as part of an irrigation system is control wiring of 30 volts or less (was, low voltage control wiring). Also provides that the an irrigation system includes components that are downstream of a well, pond, or other surface water.

Amends proposed new GS 89G-3 to include as exempt from the provisions of the act (1) any irrigation construction or contracting work where the price for all items for a given job site for 12 months is less than \$2500 (was, \$1500), (2) any person performing irrigation construction or contracting work for a golf course, and (3) any person maintaining or repairing an irrigation system owned by a homeowner's association of a planned community and located within the planned community's common elements as defined in GS 47F-1-103. Provides that this exemption applying to maintaining or repairing an irrigation system in a planned community applies to irrigation systems installed on or before January 1, 2009.

Provides for receipt of a license under proposed new GS Chapter 89G without having to take an exam for any person with ten documented years of experience as an irrigation contractor as of the effective date of the act who can document competency in irrigation contracting as determined by the NC Irrigation Contractors' Licensing Board (Board) and meet all other requirements for licensure. Requires that a person seeking licensure without an exam submit the licensure application to the Board within 180 days of the effective date of this act.

H 2382. CHAPEL HILL WATER CONSERVATION STRATEGIES. Filed 5/21/08. House committee substitute makes the following changes to 1st edition.

Clarifies that the authority of the Town of Chapel Hill to regulate or prohibit by ordinance underground irrigation systems applies to new subdivisions and other *new* residential and *new* nonresidential development within its corporate limits and extraterritorial planning jurisdiction (was, other residential and nonresidential development). Provides a definition of *underground irrigation system* as used in the section. Provides that the provisions of the act apply to development for which a permit application has been submitted on or after the effective date.

July 15, 2008

H 2353. IRRIGATION CONTRACTORS LICENSURE/FEES. Filed 5/20/08. Senate amendment makes the following changes to 3rd edition. Effective when it becomes law, amends GS 93E-1-5(a) by increasing the membership of the North Carolina Appraisal Board from seven to nine members, with an increase in the number of members appointed by the General Assembly from two to four. Makes conforming changes throughout. Provides that the initial term of additional members will commence beginning July 1, 2008, with an adjustment to the length of terms to accommodate the requirement of staggered terms under GS 93E-1-5.

Deletes that the exemption provided in GS 89G-3(16) applies to irrigation systems installed on or before January 1, 2009.

Changes the title to *AN ACT TO AUTHORIZE THE LICENSURE OF IRRIGATION CONTRACTORS AND TO ADD TWO MORE LEGISLATIVE APPOINTMENTS TO THE NORTH CAROLINA APPRAISAL BOARD.*

August 8, 2008

SL 2008-177 (H 2353). IRRIGATION CONTRACTORS LICENSURE/FEES. AN ACT TO AUTHORIZE THE LICENSURE OF IRRIGATION CONTRACTORS AND TO ADD TWO MORE LEGISLATIVE APPOINTMENTS TO THE NORTH CAROLINA APPRAISAL BOARD.

Summarized in *Daily Bulletin* 5/20/08, 6/19/08, 7/14/08, and 7/15/08. Enacted August 4, 2008. GS 89G-4, as enacted in Section 1, is effective October 1, 2008. Section 6 is effective August 4, 2008. The remainder is effective January 1, 2009, and the exemption provided in GS 89G-3(16) applies to irrigation systems installed on or before that date.