

By: Representatives Bowles, Clarke,
Frierson, Stevens

To: Agriculture

HOUSE BILL NO. 974

1 AN ACT TO AMEND SECTION 69-19-9, MISSISSIPPI CODE OF 1972, TO
2 REQUIRE THAT EXAMINATIONS USED TO TEST THE PROFICIENCY OF
3 CANDIDATES FOR A LANDSCAPE GARDENER'S LICENSE SHALL BE DEVELOPED
4 IN ACCORDANCE WITH CERTAIN STANDARDS; AND FOR RELATED PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 SECTION 1. Section 69-19-9, Mississippi Code of 1972, is
7 amended as follows:

8 69-19-9. (1) Any person desiring to engage in professional
9 services or work as herein defined shall obtain from the
10 Commissioner of Agriculture and Commerce a license to engage in
11 such professional work, and the application for such license shall
12 be in writing and on such blank forms as may be required. No fee
13 shall be required for the license. The Commissioner of
14 Agriculture and Commerce shall require applicants to submit
15 statements as to training and experience in professional practice
16 and may further require applicants to pass such tests or
17 examinations as the commissioner may prescribe. Examinations
18 shall test the professional competency of candidates for
19 licensure. All examinations shall be developed in accordance with
20 the professional testing standards developed by the Council on
21 Licensure, Enforcement and Regulation affiliated with the Council
22 of State Governments. The Commissioner of Agriculture and
23 Commerce may require an applicant to furnish to him a fidelity
24 bond satisfactory to him and conditioned that the principal
25 therein named shall conduct honestly such business; provided that
26 in no case shall a bond exceeding Ten Thousand Dollars
27 (\$10,000.00) be required. A copy of the bond, duly certified by

28 the Commissioner of Agriculture and Commerce or his agent, the
29 State Entomologist, shall be received as evidence in all of the
30 courts of this state without further proof. Any bond issued
31 before the effective date of this chapter shall be deemed to be
32 effective until the expiration date stated thereon. Any person
33 having a right of action against such person may bring suit
34 against the principal and sureties of such bond. Should the
35 surety furnished become unsatisfactory, such person shall execute
36 a new bond, and should he fail to do so, it shall be the duty of
37 the Commissioner of Agriculture and Commerce or his agent, the
38 State Entomologist, to cancel his license and give him notice of
39 such fact, and it shall be unlawful thereafter for such person to
40 engage in such business without obtaining a new license.

41 (2) In addition to the requirements of subsection (1) of
42 this section, the Commissioner of Agriculture and Commerce, with
43 the approval of the Advisory Board to the Bureau of Plant
44 Industry, may require persons providing professional services as
45 defined in this chapter to provide satisfactory proof of insurance
46 against negligent or careless provision of such services. Such
47 insurance shall be in an amount determined by the advisory board,
48 but shall not exceed Two Hundred Thousand Dollars (\$200,000.00).
49 Such insurance shall be in effect before a person may offer such
50 professional services to the general public. Notice of
51 cancellation or failure to renew such insurance shall be provided
52 to the advisory board by the persons offering such professional
53 services. The license to engage in such professional work shall
54 be revoked if proof of insurance is not provided to the advisory
55 board by the licensee within thirty (30) days of the notice of
56 cancellation or failure to renew such insurance.

57 (3) For horticultural and floricultural work and soil
58 classifying work, as defined in Section 69-19-5, such fidelity
59 bond which may be required shall be in an amount not to exceed One
60 Thousand Two Hundred Fifty Dollars (\$1,250.00) and such insurance
61 which may be required shall be in an amount not to exceed One
62 Hundred Thousand Dollars (\$100,000.00).

63 (4) No such bond and insurance shall be required from any
64 person providing professional services as defined in this chapter

65 if the Commissioner of Insurance certifies that such bond and
66 insurance is not available to such person.

67 SECTION 2. This act shall take effect and be in force from
68 and after July 1, 1999.