AN ACT TO AMEND SECTION 69-23-7, MISSISSIPPI CODE OF 1972, TO REVISE THE FEES FOR THE REGISTRATION OF PESTICIDES WITH THE DEPARTMENT OF AGRICULTURE; TO CREATE SECTION 69-23-8, MISSISSIPPI CODE OF 1972, TO PROVIDE A FEE REBATE FOR PESTICIDE MANUFACTURERS BENEFITING EMPLOYMENT IN MISSISSIPPI; TO PROVIDE THAT THE DEPARTMENT OF AGRICULTURE MAY CONTRACT WITH THE DEPARTMENT OF ENVIRONMENTAL QUALITY FOR A GROUNDWATER MONITORING PROGRAM; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 69-23-7, Mississippi Code of 1972, is amended as follows:

69-23-7. (1) Every pesticide which is distributed, sold or offered for sale within this state or delivered for transportation or transported in intrastate commerce or between points within this state through any point outside this state shall be registered in the office of the commissioner, and such registration shall be renewed annually; provided, that products which have the same formula, are manufactured by the same person, the labeling of which contains the same claims and the labels of which bear a designation identifying the products as the same pesticide, may be registered as a single pesticide; and additional names and labels shall be added by supplement statements during the current period of registration. The registrant shall file with the commissioner a statement including:

(a) The name and address of the registrant and the name and address of the person whose name will appear on the label if other than the registrant;

(b) The name of the pesticide;
(c) A complete copy of the labeling accompanying the pesticide and a statement of all claims to be made for it, including directions for use and the use classification as provided for in FIFRA;

(d) If requested by the commissioner, a full description of the tests made and the results thereof upon which the claims are based. In the case of renewal of registration, a statement shall be required only with respect to information which is different from that furnished when the pesticide was registered or last reregistered; and

(e) Any other information required by the commissioner which may be prescribed by regulation.

(2) The registrant shall pay an annual fee of Two Hundred Dollars ($200.00) for each brand or grade of pesticide registered. All of the fees collected under authority of this section shall be deposited in a special fund in the Treasury of the State of Mississippi and subject to appropriation by the Mississippi Legislature. The fees shall be used by the Mississippi Department of Agriculture and Commerce for enforcement of this chapter. The Department of Agriculture and Commerce may contract with the Department of Environmental Quality for a groundwater monitoring program. * * *

(3) The commissioner, whenever he deems it necessary in the administration of this chapter, may require the submission of the complete formula of any pesticide. If it appears to the commissioner that the composition of the articles is such as to warrant the proposed claims for it, and if the article and its labeling and other material required to be submitted comply with the requirements of Section 69-23-5, he shall register the article; provided, that the article is registered under FIFRA. If the state is certified by the administrator of EPA to register pesticides pursuant to Section 24(c) of FIFRA, he may register the
article to meet special local needs if he determines that the
registration will not be in violation of FIFRA.

(4) If it does not appear to the commissioner that the
article is such as to warrant the proposed claims for it or if the
article and its labeling and other material required to be
submitted do not comply with the provisions of this chapter, he
shall notify the applicant of the manner in which the article,
labeling or other material required to be submitted fail to comply
with the chapter so as to afford him an opportunity to make the
necessary corrections. If, upon receipt of such notice, the
applicant does not make the required changes, the commissioner may
refuse to register the article and the applicant may request a
hearing. In order to protect the public, the commissioner, with
approval of the advisory board provided for in Section 69-25-3,
may, at any time, cancel or suspend the registration of a
pesticide if he determines that it does not comply with this
chapter or creates an imminent hazard; or, pursuant to a notice
from the Commission on Environmental Quality under Section
49-17-26 in relation to state underground water quality standards,
he shall provide for modification of the labeling of any
pesticide, or suspend or cancel the registration of any pesticide
or any use of any pesticide, or adopt a regulation in accordance
with Section 69-23-9 to protect the underground water resources,
as defined in the Federal Safe Drinking Water Act, in the shortest
reasonable time. He may advise EPA of the manner in which a
federally registered pesticide fails to comply with FIFRA and
suggest the necessary corrections.

(5) Notwithstanding any other provision of this chapter,
registration is not required in case of a pesticide shipped from
one plant within this state to another plant within this state
operated by the same person.

SECTION 2. The following section shall be codified as
Section 69-23-8, Mississippi Code of 1972:
69-23-8. (1) A pesticide manufacturer having paid the pesticide registration fee required by Section 69-23-7(2) may make written application to the department on a form provided by the department for a rebate of not more than fifty percent (50%) of each pesticide registration fee paid by the pesticide manufacturer. The application must be submitted at the time of registration.

(2) Upon receipt of a written application for a rebate of the pesticide registration fee, the commissioner may grant a rebate of not more than fifty percent (50%) of each pesticide registration fee to the pesticide manufacturer if the commissioner finds, based upon the application submitted by the pesticide manufacturer, public records and facts subject to official notice that the operations of the pesticide manufacturer substantially benefit the economy of Mississippi and employment in Mississippi.

SECTION 3. This act shall take effect and be in force from and after July 1, 2001.