MISSISSIPPI LEGISLATURE

HOUSE BILL NO. 1032

AN ACT TO AMEND SECTION 69-21-109, MISSISSIPPI CODE OF 1972, TO REQUIRE THE AGRICULTURAL AVIATION BOARD TO ADOPT RULES AND REGULATIONS TO PROHIBIT APPLICATORS AND PILOTS FROM SPRAYING CHEMICALS AND PESTICIDES WITHIN ONE-FOURTH MILE OF A CITY'S CORPORATE LIMITS OR AN INHABITED OR RESIDENTIAL AREA; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 69-21-109, Mississippi Code of 1972, is amended as follows:

69-21-109. The board, after public hearing duly held, is hereby vested with the authority to adopt such rules and regulations as may be necessary to regulate the application of chemicals and pesticides according to the time of year, manner, form and area of application, wind velocity, and may restrict the use of certain chemicals and pesticides which create an unusual hazard to the health, safety and welfare of the public. The board shall adopt rules and regulations to prohibit applicators and pilots from spraying chemicals and pesticides within one-fourth (¼) mile of the municipal corporate limits or an inhabited or residential area. The board shall set professional standards for applicators and pilots in the interest of the safety, welfare and general well-being of the public of Mississippi.

The board shall have authority to procure samples of spray and dust materials before and after they are mixed in order to determine the concentration of the mixtures.

The Agricultural Aviation Board shall have authority to maintain an office and employ necessary personnel within the framework of fees collected to carry out the purposes of this article.
It shall be the duty of the board to enforce this article and all rules and regulations made and adopted in compliance with this article.

The board or its representatives shall have access to any premises where there is reason to believe that a chemical or pesticide is being or has been applied by an applicator, or where any applicator is based, or preparing to apply any of the materials herein stated, for the purpose of enforcement of this article. The board shall have authority to inspect equipment used for application of chemicals and pesticides as stated in this article.

The Board of Agricultural Aviation shall maintain a close liaison and spirit of cooperation with the Mississippi Department of Agriculture and Commerce, in the supervision of aerially applied chemicals which are under their jurisdiction as provided by Sections 69-21-7 through 69-21-15. The board, further, shall closely assist the Mississippi Department of Transportation in carrying out its statutory functions to the end that aviation can continue its rapid advance.

SECTION 2. This act shall take effect and be in force from and after July 1, 2002.