

By: Representatives Clarke, Bowles,
Frierson, Horne, Stevens

To: Agriculture

HOUSE BILL NO. 1576

1 AN ACT TO AMEND SECTION 69-21-103, MISSISSIPPI CODE OF 1972,
2 TO PLACE THE FUNCTIONS OF THE AGRICULTURAL AVIATION BOARD UNDER
3 THE AUTHORITY OF THE DEPARTMENT OF AGRICULTURE AND COMMERCE; TO
4 AMEND SECTION 69-21-109, MISSISSIPPI CODE OF 1972, TO REMOVE
5 CERTAIN PROVISIONS SPECIFIC TO THE AGRICULTURAL AVIATION BOARD; TO
6 REPEAL SECTION 69-21-107, MISSISSIPPI CODE OF 1972, WHICH
7 ESTABLISHES THE FIVE-MEMBER AGRICULTURAL AVIATION BOARD; TO REPEAL
8 SECTION 69-2-111, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR
9 JURISDICTION OVER THE APPLICATION OF HORMONAL HERBICIDES; TO
10 REPEAL SECTION 69-21-127, MISSISSIPPI CODE OF 1972, WHICH REPEALS
11 THE AUTHORITY OF THE AGRICULTURAL AVIATION BOARD; AND FOR RELATED
12 PURPOSES.

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

14 **SECTION 1.** Section 69-21-103, Mississippi Code of 1972, is
15 amended as follows:

16 69-21-103. The purpose of this article is to supervise and
17 regulate for the public good all commercial agricultural aerial
18 application within the State of Mississippi and to establish and
19 promote a close working relationship between agricultural aerial
20 applicators and the Mississippi Department of Agriculture and
21 Commerce, the licensing of all persons engaged in the aerial
22 application of pesticides, poisons, seeds and chemicals, and the
23 registration of all such commercial agricultural aircraft and
24 pilots. The Department of Agriculture and Commerce shall be the
25 Agricultural Aviation Board. Whenever the term "Agricultural
26 Aviation Board" appears in law, it means the Department of
27 Agriculture and Commerce. The Commissioner of Agriculture and
28 Commerce may assign the functions of the Agricultural Aviation
29 Board to any organizational sub-unit of the department that the
30 commissioner deems to be the appropriate repository for the
31 regulation of agricultural aviation.



32 **SECTION 2.** Section 69-21-109, Mississippi Code of 1972, is
33 amended as follows:

34 69-21-109. The board, after public hearing duly held, is
35 hereby vested with the authority to adopt such rules and
36 regulations as may be necessary to regulate the application of
37 chemicals and pesticides according to the time of year, manner,
38 form and area of application, wind velocity, and may restrict the
39 use of certain chemicals and pesticides which create an unusual
40 hazard to the health, safety and welfare of the public. The board
41 shall set professional standards for applicators and pilots in the
42 interest of the safety, welfare and general well-being of the
43 public of Mississippi.

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

47 The Agricultural Aviation Board shall have authority to
48 maintain an office and employ necessary personnel within the
49 framework of fees collected to carry out the purposes of this
50 article.

51 It shall be the duty of the board to enforce this article and
52 all rules and regulations made and adopted in compliance with this
53 article.

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

62 * * * The board * * * shall closely assist the Mississippi
63 Department of Transportation in carrying out its statutory
64 functions to the end that aviation can continue its rapid advance.



65 **SECTION 3.** Section 69-21-107, Mississippi Code of 1972,
66 which establishes the five-member Agricultural Aviation Board,
67 Section 69-2-111, Mississippi Code of 1972, which clarifies the
68 jurisdiction of the Department of Agriculture and Commerce over
69 the application of hormonal herbicides and Section 69-21-127,
70 Mississippi Code of 1972, which provides for the repeal of the
71 authority of the Agricultural Aviation Board, are repealed.

72 **SECTION 4.** This act shall take effect and be in force from
73 and after July 1, 2002.

