

By: Senator(s) Canon, Dearing, Chaney

To: Agriculture

SENATE BILL NO. 2978

1 AN ACT TO AMEND SECTION 69-21-103, MISSISSIPPI CODE OF 1972,
 2 TO TRANSFER THE DUTIES OF THE AGRICULTURAL AVIATION BOARD TO THE
 3 DEPARTMENT OF AGRICULTURE AND COMMERCE; TO AMEND SECTION
 4 69-21-105, MISSISSIPPI CODE OF 1972, TO REVISE CERTAIN
 5 DEFINITIONS; TO AMEND SECTION 69-21-109, MISSISSIPPI CODE OF 1972,
 6 TO CONFORM; TO AMEND SECTION 69-21-125, MISSISSIPPI CODE OF 1972,
 7 TO PROVIDE THAT FINES GO TO THE COUNTY; TO REPEAL SECTION
 8 69-21-107, MISSISSIPPI CODE OF 1972, WHICH ESTABLISHES THE
 9 AGRICULTURAL AVIATION BOARD; TO REPEAL SECTION 69-21-111,
 10 MISSISSIPPI CODE OF 1972, WHICH PROVIDES THAT CERTAIN HORMONAL
 11 HERBICIDES SHALL BE REGULATED BY THE DEPARTMENT OF AGRICULTURE AND
 12 COMMERCE; TO REPEAL SECTION 69-21-127, MISSISSIPPI CODE OF 1972,
 13 WHICH REPEALS THE AUTHORITY OF THE AGRICULTURAL AVIATION BOARD;
 14 AND FOR RELATED PURPOSES.

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

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

18 69-21-103. The purpose of this article is to supervise and
 19 regulate for the public good all commercial agricultural aerial
 20 application within the State of Mississippi and to establish and
 21 promote a close working relationship between agricultural aerial
 22 applicators and the Mississippi Department of Agriculture and
 23 Commerce, the licensing of all persons engaged in the aerial
 24 application of pesticides, poisons, seeds and chemicals, and the
 25 registration of all such commercial agricultural aircraft and
 26 pilots.

27 The Department of Agriculture and Commerce shall be the
 28 Agricultural Aviation Board. All duties and powers of the
 29 Agricultural Aviation Board are transferred to the Department of
 30 Agriculture and Commerce. Whenever the term "Agricultural
 31 Aviation Board" appears in law, it shall mean the Department of
 32 Agriculture and Commerce.



33 The Commissioner of Agriculture and Commerce may assign the
34 functions of the Agricultural Aviation Board to any organizational
35 unit of the Department the Commissioner deems appropriate for the
36 regulating of agricultural aviation.

37 **SECTION 2.** Section 69-21-105, Mississippi Code of 1972, is
38 amended as follows:

39 69-21-105. As used in this article, the following terms
40 shall have the meanings hereinafter ascribed to them:

41 (a) "Board" means the Department of Agriculture and
42 Commerce.

43 (b) "Person" means any individual, corporation, firm,
44 partnership, company, trust, association or other legal entity.

45 (c) "Aerial application" means the practice of engaging
46 in agricultural aircraft operations for remuneration.

47 (d) "Agricultural aircraft operation" means:

48 (i) Dispensing any pesticide, seed or fertilizer
49 by aircraft;

50 (ii) Dispensing any other substance intended for
51 plant nourishment, soil treatment, propagation of plant life, or
52 pest control by aircraft; or

53 (iii) Engaging in dispensing activities directly
54 affecting agriculture, horticulture, or forest preservation by
55 aircraft.

56 (e) "Aircraft" means any contrivance now known or
57 hereafter invented that is used or designed for navigation of or
58 flight in the air over land and water, and that is designed for or
59 adaptable for use in agricultural aircraft operation.

60 (f) "Applicator" means any person, as herein defined,
61 who is licensed under this article to engage in agricultural
62 aircraft operations.

63 (g) "Pesticide" means any substance or mixture of
64 substances intended for defoliating or desiccating plants, or for
65 preventing, destroying, repelling or mitigating any insects,



66 fungi, bacteria, weeds, or other forms of plant or animal life
67 which the board shall declare to be a pest.

68 (h) "Pilot" means the operator of an aircraft used in
69 agricultural aircraft operation; provided, however, a pilot may
70 also be a person who is licensed as an applicator under the
71 provisions of this article.

72 (i) "Insect" means any of the numerous small
73 invertebrate animals generally having the body more or less
74 obviously segmented, for the most part belonging to the Class
75 Insecta, comprising six-legged, usually winged forms, as for
76 example, beetles, bugs and flies; and to other classes of
77 arthropods whose members are wingless and usually have more than
78 six (6) legs, as for example, spiders, mites, ticks, centipedes
79 and wood lice.

80 (j) "Defoliant" means any substance or mixture of
81 substances intended for causing the leaves or foliage to drop from
82 a plant, with or without causing abscission.

83 (k) "Desiccant" means any substances or mixtures of
84 substances intended for artificially accelerating the drying of
85 plant tissues.

86 **SECTION 3.** Section 69-21-109, Mississippi Code of 1972, is
87 amended as follows:

88 69-21-109. The board, after public hearing duly held, is
89 hereby vested with the authority to adopt such rules and
90 regulations as may be necessary to regulate the application of
91 chemicals and pesticides according to the time of year, manner,
92 form and area of application, wind velocity, and may restrict the
93 use of certain chemicals and pesticides which create an unusual
94 hazard to the health, safety and welfare of the public. The board
95 shall set professional standards for applicators and pilots in the
96 interest of the safety, welfare and general well-being of the
97 public of Mississippi.



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

101 The Agricultural Aviation Board shall have authority to
102 maintain an office and employ necessary personnel within the
103 framework of fees collected to carry out the purposes of this
104 article.

105 It shall be the duty of the board to enforce this article and
106 all rules and regulations made and adopted in compliance with this
107 article.

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

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

119 **SECTION 4.** Section 69-21-125, Mississippi Code of 1972, is
120 amended as follows:

121 69-21-125. (1) Violation of this article or the rules and
122 regulations promulgated thereunder shall be a misdemeanor
123 punishable by a fine of not less than One Hundred Dollars
124 (\$100.00) and not more than Five Hundred Dollars (\$500.00), or by
125 imprisonment in the county jail for not more than six (6) months,
126 or by both such fine and imprisonment. Each day's violation shall
127 constitute a separate offense. All sums of money collected as a
128 result of fines levied under this section shall be forwarded to
129 the treasury of the county where prosecuted * * *.



130 (2) In addition to the penalties herein provided, the board
131 is hereby granted the authority to file in any court of competent
132 jurisdiction injunctive proceedings against any person violating
133 the provisions of this article or the rules and regulations
134 promulgated hereunder.

135 (3) The Attorney General, district attorneys and county
136 attorneys of the state shall assist the Board of Agricultural
137 Aviation upon their request to carry out the penalty section of
138 this article.

139 **SECTION 5.** Section 69-21-107, Mississippi Code of 1972,
140 which establishes the Agricultural Aviation Board, is repealed.

141 **SECTION 6.** Section 69-21-111, Mississippi Code of 1972,
142 which provides that hormonal herbicides shall be regulated by the
143 Department of Agriculture, is repealed.

144 **SECTION 7.** Section 69-21-127, Mississippi Code of 1972,
145 which provides for the repeal of the authority of the Agricultural
146 Aviation Board, is repealed.

147 **SECTION 8.** This act shall take effect and be in force from
148 and after its passage.

