

By: Representative Janus

To: Forestry

## HOUSE BILL NO. 324

1 AN ACT TO AMEND SECTION 69-19-5, MISSISSIPPI CODE OF 1972, TO  
2 REVISE THE DEFINITION OF TREE SURGERY WORK UNDER THE PROFESSIONAL  
3 SERVICES LICENSING REQUIREMENT TO INCLUDE ANY PERSON RECEIVING  
4 COMPENSATION FOR PERFORMING CERTAIN WORK OR CONSULTATION RELATIVE  
5 TO THE CARE OF ORNAMENTAL TREES AND SHRUBS; AND FOR RELATED  
6 PURPOSES.

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

8 **SECTION 1.** Section 69-19-5, Mississippi Code of 1972, is  
9 amended as follows:

10 69-19-5. Professional services are defined as follows:

11 (a) Entomological work. Receiving fees for advice or  
12 prescriptions for the control or eradication of any insect pest or  
13 rodent. Receiving fees for actual spraying, dusting, fumigating  
14 or any other methods used for the control or eradication of any  
15 insect pest or rodent. When the majority of the income of an  
16 operation, business or individual comes from the actual operation  
17 of a farm and the sale of crops therefrom and, as a service to  
18 other farmers, these services are performed, such services shall  
19 not be included in this definition.

20 (b) Plant pathological work. Receiving fees for advice  
21 or prescriptions for the control or eradication of any plant  
22 disease. Receiving fees for actual spraying or any other methods  
23 used for the control or eradication of any plant disease. When  
24 the majority of the income of an operation, business or individual  
25 comes from the actual operation of a farm and the sale of crops  
26 therefrom and, as a service to other farmers, these services are  
27 performed, such services shall not be included in this definition.

28           (c) Horticultural and floricultural work. Receiving  
29 fees for landscaping and setting of plants or for the sale of any  
30 plants for which the seller contracts to render future services.

31           (d) Tree surgery work. Advertising in a local phone  
32 book, newspaper, newsletter, bulletin or other prominently  
33 displayed sign as a licensed or bonded tree surgeon and any person  
34 receiving compensation for any work or consultation relative to  
35 the care, pruning, cabling, bracing, topping, trimming,  
36 fertilizing, cavity work and removal of ornamental trees and  
37 shrubs in any manner. Nothing shall prevent any person from  
38 performing such services as long as their advertising does not  
39 include the description licensed or bonded.

40           (e) Weed control work. Receiving fees for advice or  
41 prescriptions for the control or eradication of any weed.  
42 Receiving fees for actual spraying or other methods used for the  
43 control or eradication of any plant which grows where not wanted.  
44 When the majority of the income of an operation, business or  
45 individual comes from the actual operation of a farm and the sale  
46 of crops therefrom and, as a service to other farmers, these  
47 services are performed, such services shall not be included in  
48 this definition.

49           (f) Soil classifying work. Receiving compensation for  
50 plotting the boundaries of soil and describing and evaluating the  
51 kinds of soil as to their behavior and response to management  
52 under various uses.

53           **SECTION 2.** This act shall take effect and be in force from  
54 and after July 1, 2005.