

By: Representative Ford

To: Agriculture

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 660

1 AN ACT TO REENACT SECTIONS 69-15-2, 69-15-3, 69-15-7,  
2 69-15-9, 69-15-11, 69-15-13 AND 69-15-15, MISSISSIPPI CODE OF  
3 1972, WHICH PROVIDE FOR THE MEMBERSHIP AND POWERS OF THE  
4 MISSISSIPPI BOARD OF ANIMAL HEALTH AND THE VETERINARY DIAGNOSTIC  
5 BOARD AND FOR THE APPOINTMENT AND DUTIES OF THE STATE  
6 VETERINARIAN; TO AMEND REENACTED SECTION 69-15-3, MISSISSIPPI CODE  
7 OF 1972, TO PROVIDE THAT THE BOARD OF ANIMAL HEALTH SHALL MEET  
8 QUARTERLY; TO AMEND REENACTED SECTION 69-15-11, MISSISSIPPI CODE  
9 OF 1972, TO PROVIDE THAT THE VETERINARY DIAGNOSTIC LABORATORY  
10 BOARD SHALL MEET QUARTERLY; TO AMEND SECTION 69-15-17, MISSISSIPPI  
11 CODE OF 1972, TO EXTEND THE REPEALER; AND FOR RELATED PURPOSES.

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

13 SECTION 1. Section 69-15-2, Mississippi Code of 1972, is  
14 reenacted as follows:

15 69-15-2. (1) The Mississippi Board of Animal Health is to  
16 be composed of the Commissioner of Agriculture and Commerce, the  
17 Dean of the College of Veterinary Medicine and the heads of the  
18 Animal and Dairy Science and Poultry Science Departments at  
19 Mississippi State University of Agriculture and Applied Science  
20 and one (1) person appointed by the President of Alcorn State  
21 University from its land grant staff as five (5) ex officio  
22 members with full voting rights, and eleven (11) other members of  
23 the board to be appointed by the Governor as hereinafter provided.

24 The board shall select annually a chairman and vice chairman from  
25 any members of the board.

26 (2) The Governor, with the advice and consent of the Senate,  
27 shall appoint eleven (11) other members from the following groups  
28 or associations from a written list of three (3) recommendations  
29 from such groups or associations:

30 One (1) licensed and practicing veterinarian who holds a  
31 doctor of veterinary medicine degree, from a written list of three

32 (3) recommendations submitted by the Mississippi State Veterinary  
33 Medical Association;

34 One (1) general farmer from a written list of three (3)  
35 recommendations submitted by the Mississippi Farm Bureau  
36 Federation;

37 One (1) poultry breeder and producer from a written list of  
38 three (3) recommendations submitted by the Mississippi Poultry  
39 Improvement Association;

40 One (1) sheep breeder and producer from a written list of  
41 three (3) recommendations submitted by the Mississippi Sheep  
42 Producers' Association;

43 One (1) beef cattle breeder and producer from a written list  
44 of three (3) recommendations submitted by the Mississippi  
45 Cattlemen's Association;

46 One (1) swine breeder and producer from a written list of  
47 three (3) recommendations submitted by the Mississippi Pork  
48 Producers' Association;

49 One (1) dairy breeder and producer from a written list of  
50 three (3) recommendations submitted by the American Dairy  
51 Association of Mississippi;

52 One (1) horse breeder and producer from a written list of  
53 three (3) recommendations submitted by the Mississippi Horse  
54 Council;

55 One (1) catfish breeder and producer from a written list of  
56 three (3) recommendations submitted by the Mississippi Catfish  
57 Association;

58 One (1) member of the Mississippi Independent Meat Packers'  
59 Association from a written list of three (3) recommendations  
60 submitted by the Mississippi Independent Meat Packers'  
61 Association;

62 One (1) member of the Mississippi Livestock Auction  
63 Association from a written list of three (3) recommendations  
64 submitted by the Mississippi Livestock Auction Association.

65 All members shall take and subscribe to the general oath of

66 office as provided in Section 268, Mississippi Constitution of  
67 1890, and file the same with the Commissioner of Agriculture and  
68 Commerce.

69 (3) Effective August 1, 1968, the dairy producer member  
70 shall be appointed for a one-year term; the Livestock Auction  
71 Association member shall be appointed for a two-year term; and the  
72 meat packer member shall be appointed for a three-year term; the  
73 catfish producer member shall be appointed for a four-year term;  
74 and the horse producer member shall be appointed for a five-year  
75 term.

76 Effective August 1, 1969, the poultry producer member shall  
77 be appointed for a two-year term; on August 1, 1970, the sheep  
78 producer member shall be appointed for a three-year term; on  
79 August 1, 1971, the swine producing member shall be appointed for  
80 a four-year term; on August 1, 1972, the general farmer member  
81 shall be appointed for a five-year term; on August 1, 1973, the  
82 veterinarian member shall be appointed for a six-year term; and on  
83 August 1, 1974, the beef cattle producer member shall be appointed  
84 for a seven-year term.

85 All subsequent appointments shall be for four-year terms,  
86 except for appointments to fill vacancies which shall be for the  
87 unexpired term only.

88 (4) (a) "Commissioner" means the Commissioner of  
89 Agriculture and Commerce.

90 (b) "Department" means the Department of Agriculture  
91 and Commerce.

92 (5) On or before July 1, 1998, the board shall appoint, from  
93 a written list of not less than three (3) licensed veterinarians  
94 submitted by the commissioner, the State Veterinarian.

95 (6) There is created an advisory council to advise the Board  
96 of Animal Health on matters concerning the board. The council  
97 shall be composed of the Chairman of the Senate Agriculture  
98 Committee, the Chairman of the House Agriculture Committee, and  
99 one (1) appointee of the Lieutenant Governor and one (1) appointee

100 of the Speaker of the House of Representatives. The members of  
101 the advisory council shall serve in an advisory capacity only.  
102 For attending meetings of the council, such legislators shall  
103 receive per diem and expenses which shall be paid from the  
104 contingent expense funds of their respective houses in the same  
105 amounts provided for committee meetings when the Legislature is  
106 not in session; however, no per diem or expenses for attending  
107 meetings of the council shall be paid while the Legislature is in  
108 session. No per diem and expenses shall be paid except for  
109 attending meetings of the council without prior approval of the  
110 proper committee in their respective houses.

111 SECTION 2. Section 69-15-3, Mississippi Code of 1972, is  
112 reenacted and amended as follows:

113 69-15-3. The State Capitol Commission shall provide office  
114 space at the seat of the government, as it deems necessary and  
115 requisite for the Board of Animal Health. The board shall adopt  
116 rules and regulations as it deems proper to carry out its  
117 statutory powers and duties. The rules and regulations shall also  
118 prescribe the dates and hours of quarterly meetings and provide  
119 that special meetings shall be called by the chairman at the  
120 request of the Commissioner of Agriculture and Commerce, on three  
121 (3) days' written notice or by a majority vote of the entire board  
122 on three (3) days' written notice.

123 SECTION 3. Section 69-15-7, Mississippi Code of 1972, is  
124 reenacted as follows:

125 69-15-7. The State Veterinarian is authorized and empowered  
126 to employ the necessary professional, technical and clerical  
127 personnel as he deems necessary to carry out the powers and duties  
128 of the board, and to fix their compensation. The board shall  
129 appoint from a written list of not less than three (3) licensed  
130 veterinarians submitted by the Commissioner of Agriculture and  
131 Commerce, a duly licensed and practicing veterinarian as the State  
132 Veterinarian, who shall hold a degree of veterinary medicine from  
133 a recognized college or university and shall have been engaged in

134 the practice of veterinary science for not less than ten (10)  
135 years prior to his appointment. The State Veterinarian shall  
136 serve at the will and pleasure of the board and shall enter into a  
137 surety bond for the faithful performance of his duties, and the  
138 premium therefor shall be paid by the board. The board shall also  
139 be authorized to employ an attorney as authorized in Section  
140 69-1-14, Mississippi Code of 1972.

141 SECTION 4. Section 69-15-9, Mississippi Code of 1972, is  
142 reenacted as follows:

143 69-15-9. The Board of Animal Health shall have plenary power  
144 to deal with all contagious and infectious diseases of animals as  
145 in the opinion of the board may be prevented, controlled or  
146 eradicated, and with full power to make, promulgate and enforce  
147 such rules and regulations as in the judgment of the board may be  
148 necessary to control, eradicate and prevent the introduction and  
149 spread of anthrax, tuberculosis, hog cholera, Texas and splenic  
150 fever and the fever-carrying tick (*margaropus annulatus*), cattle  
151 brucellosis, anaplasmosis, infectious bovine rhinotracheitis,  
152 muscosal disease, cattle viral diarrhea, cattle scabies, sheep  
153 scabies, hog cholera, swine erysipelas, swine brucellosis, equine  
154 encephalomyelitis, rabies, vesicular diseases, salmonella group,  
155 newcastle disease, infectious laryngotracheitis,  
156 ornithosis-psittacosis, mycoplasma group and any suspected new  
157 and/or foreign diseases of livestock and poultry and all other  
158 diseases of animals in this state, and the board is hereby vested  
159 with full authority to establish and maintain quarantine lines and  
160 to quarantine by county, supervisors district, parcel of land or  
161 herd. The State Veterinarian shall appoint as many inspectors and  
162 range riders as may be deemed necessary, and the funds at his  
163 disposal will permit, and shall delegate authority to said  
164 inspectors and range riders, to enter premises to inspect and  
165 disinfect livestock and premises, and enforce quarantine including  
166 counties, farms, pens, stables and other premises.

167 No officer or agent of the State Veterinarian may enter the

168 actual enclosures of any person except (1) with the consent of the  
169 person lawfully in possession thereof or (2) in the absence of  
170 such consent, with a proper writ obtained as in other cases of  
171 searches and seizures under constitutional law. When such  
172 officers and agents are lawfully on the premises, either by  
173 permission or writ, they shall be authorized to inspect the  
174 premises and the livestock and animals found thereon by entering  
175 the enclosures and buildings and they are authorized to check  
176 livestock and poultry found therein for any contagious diseases  
177 and take proper action to control or eradicate any such diseases  
178 that may be found. While such officers and agents are performing  
179 their duties hereunder, they shall not be personally liable except  
180 for gross negligence. The refusal without lawful reason of any  
181 person to give the consent aforesaid shall be deemed a misdemeanor  
182 and shall be punishable as for violations of Article 5 of this  
183 chapter as provided for in Section 69-15-115.

184 SECTION 5. Section 69-15-11, Mississippi Code of 1972, is  
185 reenacted and amended as follows:

186 69-15-11. (1) (a) There is created the Veterinary  
187 Diagnostic Laboratory Board which shall maintain a complete and  
188 adequate veterinary diagnostic laboratory at Jackson capable of  
189 rendering quick and accurate diagnoses of disease conditions of  
190 animals and livestock and aquaculture, including but not limited  
191 to cattle, horses, sheep, swine, poultry and pets. The laboratory  
192 shall not conduct any regulatory testing for food purposes.

193 (b) The Veterinary Diagnostic Laboratory Board is to be  
194 composed of the Chairman of the Board of Animal Health; the  
195 Commissioner of Agriculture and Commerce; the Dean of the College  
196 of Veterinary Medicine at Mississippi State University of  
197 Agriculture and Applied Science; a person appointed by the  
198 President of Alcorn State University from its land grant staff who  
199 is not a member of the Board of Animal Health; a licensed and  
200 practicing veterinarian appointed by the President of the  
201 Mississippi State Veterinary Medical Association who is not a

202 member of the Board of Animal Health; the State Veterinarian and  
203 the State Chemist. The Dean of the College of Veterinary Medicine  
204 at Mississippi State University of Agriculture and Applied Science  
205 shall serve as chairman of the board.

206 (c) The Veterinary Diagnostic Laboratory Board shall  
207 meet quarterly, and the chairman may call special meetings of the  
208 board as he deems necessary. The members of the Veterinary  
209 Diagnostic Laboratory Board who are not full-time public officers  
210 or public employees shall be entitled to a per diem as provided in  
211 Section 25-3-69. All members of the board are entitled to mileage  
212 and actual and necessary expenses in attending such regular or  
213 special meetings of the board as provided in Section 25-3-41.

214 (d) There is created an advisory council to advise the  
215 Veterinary Diagnostic Laboratory Board on matters concerning the  
216 Veterinary Diagnostic Laboratory. The council shall be composed  
217 of the Chairman of the Senate Agriculture Committee, the Chairman  
218 of the House Agriculture Committee, and one (1) appointee of the  
219 Lieutenant Governor and one (1) appointee of the Speaker of the  
220 House of Representatives. The members of the advisory council  
221 shall serve in an advisory capacity only. For attending meetings  
222 of the council, such legislators shall receive per diem and  
223 expenses which shall be paid from the contingent expense funds of  
224 their respective houses in the same amounts provided for committee  
225 meetings when the Legislature is not in session; however, no per  
226 diem or expenses for attending meetings of the council shall be  
227 paid while the Legislature is in session. No per diem and  
228 expenses shall be paid except for attending meetings of the  
229 council without prior approval of the proper committee in their  
230 respective houses.

231 (e) The Veterinary Diagnostic Laboratory Board shall  
232 select from a written list of three (3) recommendations submitted  
233 by the Dean of the College of Veterinary Medicine at Mississippi  
234 State University of Agriculture and Applied Science, an executive  
235 director of the laboratory, with compensation as set by the

236 Veterinary Diagnostic Laboratory Board, who holds a degree of  
237 veterinary medicine from a recognized college or university; is  
238 board certified in one (1) of the following basic diagnostic  
239 disciplines: toxicology, pathology, microbiology, virology or  
240 clinical pathology; and has engaged in the practice of veterinary  
241 clinical diagnosis for at least ten (10) years, five (5) years of  
242 which were in a supervisory capacity. The executive director  
243 shall select and employ such veterinarians, bacteriologists,  
244 pathologists, technicians, clerical assistants, and other  
245 personnel necessary to carry out the objective of this section.  
246 The salaries, compensation and expenses of such employees shall be  
247 fixed by the executive director and shall be sufficient to insure  
248 the employment of competent persons and shall be paid from funds  
249 at the disposal of the Veterinary Diagnostic Laboratory Board.  
250 The executive director shall be responsible for the daily  
251 operations of the laboratory. The Veterinary Diagnostic  
252 Laboratory Board shall provide such office and technical  
253 equipment, and other items of personal property necessary and  
254 proper to effect the full meaning of this section.

255 (f) All funds, property and other assets of the Board  
256 of Animal Health's diagnostic laboratory shall be transferred to  
257 the Veterinary Diagnostic Laboratory Board on July 1, 1998. All  
258 current positions of the Board of Animal Health's diagnostic  
259 laboratory shall be transferred to the Veterinary Diagnostic  
260 Laboratory Board on July 1, 1998. Such transfer shall be based on  
261 consultation with the Legislative Budget Office staff and on  
262 estimated fiscal year 1998 budget expenditures as contained in the  
263 fiscal year 1999 budget request of the Board of Animal Health.  
264 Before establishment and allotment of such resources for fiscal  
265 year 1999, copies of the proposed division of resources shall be  
266 provided for review to the advisory council for the Veterinary  
267 Diagnostic Laboratory Board, the Legislative Budget Office and the  
268 Joint Legislative Committee on Performance, Evaluation and  
269 Expenditure Review. It is the intent of the Legislature that



270 funds shall be transferred to the Veterinary Diagnostic Laboratory  
271 Board that are sufficient to carry out the purposes of House Bill  
272 No. 1584, 1998 Regular Session [Laws, 1998, Chapter 570].

273 (g) The Veterinary Diagnostic Laboratory Board may  
274 promulgate rules and regulations to implement the provisions of  
275 House Bill No. 1584, 1998 Regular Session [Laws, 1998, Chapter  
276 570].

277 (2) The Veterinary Diagnostic Laboratory Board shall  
278 maintain a complete and adequate veterinary diagnostic laboratory  
279 at Jackson and any person licensed to practice veterinary  
280 medicine, veterinary surgery, veterinary dentistry, or any  
281 vocational-agriculture teacher, bona fide farmer or county agent  
282 in the State of Mississippi or agent of the State Veterinarian  
283 shall have made available to him services of the laboratory. The  
284 laboratory shall examine blood and urinal specimens, and shall  
285 conduct blood tests and bacterial tests, and make reports thereon,  
286 of all specimens, submitted by any licensed veterinarian, or  
287 vocational-agriculture teacher, bona fide farmer, or county agent  
288 of this state or agent of the State Veterinarian. The Veterinary  
289 Diagnostic Laboratory Board shall be required to set reasonable  
290 fees for such examinations, tests, reports or other diagnostic  
291 services in such amounts as will pay for the expenses of providing  
292 same. The executive director may contract and enter into  
293 agreements for services with the College of Veterinary Medicine at  
294 Mississippi State University as necessary to carry out the duties  
295 of the board.

296 SECTION 6. Section 69-15-13, Mississippi Code of 1972, is  
297 reenacted as follows:

298 69-15-13. The State Veterinarian is vested with authority to  
299 appoint and commission, without salary from the state, as its  
300 inspectors, representatives of the United States Department of  
301 Agriculture, and to accept from the United States Government such  
302 assistance, financial and otherwise, for carrying out the purpose  
303 of this statute, as may be available from time to time.

304 SECTION 7. Section 69-15-15, Mississippi Code of 1972, is  
305 reenacted as follows:

306 69-15-15. (1) The Board of Animal Health shall have the  
307 power and duty to quarantine all herds of cattle where a diagnosis  
308 of anthrax is made.

309 (2) Such quarantine shall remain in effect until the State  
310 Veterinarian receives a certificate which is signed by a  
311 Mississippi licensed and accredited veterinarian, and which states  
312 that such herd has been properly treated and vaccinated and that  
313 the medical waste and any dead animals from such herd have been  
314 properly disposed. The proper disposal of such dead animals shall  
315 be by burning the animal at the spot of death or by burying the  
316 animal six (6) feet deep and covering the animal with quick lime.

317 (3) The Board of Animal Health shall have the power and duty  
318 to quarantine all herds of cattle on lands immediately adjacent to  
319 any infected herd. Such quarantine shall remain in effect until  
320 the State Veterinarian receives a certificate as specified in  
321 subsection (2) of this section.

322 (4) Any person, firm or corporation failing to comply with  
323 any of the provisions of this section, or interfering with the  
324 State Veterinarian or any duly appointed officer of the State  
325 Veterinarian in the discharge of his duty or for having discharged  
326 his duties, shall be deemed in violation of the provisions of this  
327 section and shall be subject to the penalties provided in Section  
328 69-15-65, Mississippi Code of 1972.

329 SECTION 8. Section 69-15-17, Mississippi Code of 1972, is  
330 amended as follows:

331 69-15-17. Sections 69-15-2, 69-15-3, 69-15-7, 69-15-9,  
332 69-15-11, 69-15-13 and 69-15-15, Mississippi Code of 1972, are  
333 repealed on July 1, 2003.

334 SECTION 9. This act shall take effect and be in force from  
335 and after July 1, 1999.