

By: Representative Ford

To: Agriculture

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 SECTION 69-15-17, MISSISSIPPI CODE OF 1972,
7 TO EXTEND THE REPEALER; AND FOR RELATED PURPOSES.

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

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

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

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

26 One (1) licensed and practicing veterinarian who holds a
27 doctor of veterinary medicine degree, from a written list of three
28 (3) recommendations submitted by the Mississippi State Veterinary
29 Medical Association;

30 One (1) general farmer from a written list of three (3)
31 recommendations submitted by the Mississippi Farm Bureau
32 Federation;

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

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

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

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

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

48 One (1) horse breeder and producer from a written list of
49 three (3) recommendations submitted by the Mississippi Horse
50 Council;

51 One (1) catfish breeder and producer from a written list of
52 three (3) recommendations submitted by the Mississippi Catfish
53 Association;

54 One (1) member of the Mississippi Independent Meat Packers'
55 Association from a written list of three (3) recommendations
56 submitted by the Mississippi Independent Meat Packers'
57 Association;

58 One (1) member of the Mississippi Livestock Auction
59 Association from a written list of three (3) recommendations
60 submitted by the Mississippi Livestock Auction Association.

61 All members shall take and subscribe to the general oath of
62 office as provided in Section 268, Mississippi Constitution of
63 1890, and file the same with the Commissioner of Agriculture and

64 Commerce.

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

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

81 All subsequent appointments shall be for four-year terms,
82 except for appointments to fill vacancies which shall be for the
83 unexpired term only.

84 (4) (a) "Commissioner" means the Commissioner of
85 Agriculture and Commerce.

86 (b) "Department" means the Department of Agriculture
87 and Commerce.

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

91 (6) There is created an advisory council to advise the Board
92 of Animal Health on matters concerning the board. The council
93 shall be composed of the Chairman of the Senate Agriculture
94 Committee, the Chairman of the House Agriculture Committee, and
95 one (1) appointee of the Lieutenant Governor and one (1) appointee
96 of the Speaker of the House of Representatives. The members of
97 the advisory council shall serve in an advisory capacity only.

For attending meetings of the council, such legislators shall receive per diem and expenses which shall be paid from the contingent expense funds of their respective houses in the same amounts provided for committee meetings when the Legislature is not in session; however, no per diem or expenses for attending meetings of the council shall be paid while the Legislature is in session. No per diem and expenses shall be paid except for attending meetings of the council without prior approval of the proper committee in their respective houses.

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

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

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

69-15-7. The State Veterinarian is authorized and empowered to employ the necessary professional, technical and clerical personnel as he deems necessary to carry out the powers and duties of the board, and to fix their compensation. The board shall appoint from a written list of not less than three (3) licensed veterinarians submitted by the Commissioner of Agriculture and Commerce, a duly licensed and practicing veterinarian as the State Veterinarian, who shall hold a degree of veterinary medicine from a recognized college or university and shall have been engaged in the practice of veterinary science for not less than ten (10) years prior to his appointment. The State Veterinarian shall

serve at the will and pleasure of the board and shall enter into a surety bond for the faithful performance of his duties, and the premium therefor shall be paid by the board. The board shall also be authorized to employ an attorney as authorized in Section 69-1-14, Mississippi Code of 1972.

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

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

No officer or agent of the State Veterinarian may enter the actual enclosures of any person except (1) with the consent of the person lawfully in possession thereof or (2) in the absence of

such consent, with a proper writ obtained as in other cases of searches and seizures under constitutional law. When such officers and agents are lawfully on the premises, either by permission or writ, they shall be authorized to inspect the premises and the livestock and animals found thereon by entering the enclosures and buildings and they are authorized to check livestock and poultry found therein for any contagious diseases and take proper action to control or eradicate any such diseases that may be found. While such officers and agents are performing their duties hereunder, they shall not be personally liable except for gross negligence. The refusal without lawful reason of any person to give the consent aforesaid shall be deemed a misdemeanor and shall be punishable as for violations of Article 5 of this chapter as provided for in Section 69-15-115.

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

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

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

at Mississippi State University of Agriculture and Applied Science shall serve as chairman of the board.

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

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

(e) The Veterinary Diagnostic Laboratory Board shall select from a written list of three (3) recommendations submitted by the Dean of the College of Veterinary Medicine at Mississippi State University of Agriculture and Applied Science, an executive director of the laboratory, with compensation as set by the Veterinary Diagnostic Laboratory Board, who holds a degree of veterinary medicine from a recognized college or university; is

board certified in one (1) of the following basic diagnostic disciplines: toxicology, pathology, microbiology, virology or clinical pathology; and has engaged in the practice of veterinary clinical diagnosis for at least ten (10) years, five (5) years of which were in a supervisory capacity. The executive director shall select and employ such veterinarians, bacteriologists, pathologists, technicians, clerical assistants, and other personnel necessary to carry out the objective of this section. The salaries, compensation and expenses of such employees shall be fixed by the executive director and shall be sufficient to insure the employment of competent persons and shall be paid from funds at the disposal of the Veterinary Diagnostic Laboratory Board. The executive director shall be responsible for the daily operations of the laboratory. The Veterinary Diagnostic Laboratory Board shall provide such office and technical equipment, and other items of personal property necessary and proper to effect the full meaning of this section.

(f) All funds, property and other assets of the Board of Animal Health's diagnostic laboratory shall be transferred to the Veterinary Diagnostic Laboratory Board on July 1, 1998. All current positions of the Board of Animal Health's diagnostic laboratory shall be transferred to the Veterinary Diagnostic Laboratory Board on July 1, 1998. Such transfer shall be based on consultation with the Legislative Budget Office staff and on estimated fiscal year 1998 budget expenditures as contained in the fiscal year 1999 budget request of the Board of Animal Health. Before establishment and allotment of such resources for fiscal year 1999, copies of the proposed division of resources shall be provided for review to the advisory council for the Veterinary Diagnostic Laboratory Board, the Legislative Budget Office and the Joint Legislative Committee on Performance, Evaluation and Expenditure Review. It is the intent of the Legislature that funds shall be transferred to the Veterinary Diagnostic Laboratory Board that are sufficient to carry out the purposes of House Bill

No. 1584, 1998 Regular Session [Laws, 1998, Chapter 570].

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

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

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

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

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

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

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

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

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

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

69-15-17. Sections 69-15-2, 69-15-3, 69-15-7, 69-15-9, 69-15-11, 69-15-13 and 69-15-15, Mississippi Code of 1972, are repealed on July 1, 2000.

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