

By: Representative Ford

To: Agriculture

HOUSE BILL NO. 660
(As Sent to Governor)

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 EVERY OTHER MONTH; TO AMEND REENACTED SECTION 69-15-11,
9 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE VETERINARY
10 DIAGNOSTIC LABORATORY BOARD SHALL MEET EVERY OTHER MONTH; TO AMEND
11 SECTION 69-15-17, MISSISSIPPI CODE OF 1972, TO EXTEND THE
12 REPEALER; TO CREATE THE "MISSISSIPPI AGRICULTURAL PROMOTIONS
13 PROGRAM ACT" FOR THE PURPOSE OF EXPANDING THE MARKET FOR
14 MISSISSIPPI'S AGRICULTURAL PRODUCTS; TO AUTHORIZE THE DEPARTMENT
15 OF AGRICULTURE AND COMMERCE TO ESTABLISH AND COORDINATE THE
16 MISSISSIPPI AGRICULTURAL PROMOTIONS PROGRAM; TO CREATE A SPECIAL
17 FUND IN THE STATE TREASURY TO BE DESIGNATED AS THE "MISSISSIPPI
18 AGRICULTURAL PROMOTIONS FUND"; AND FOR RELATED PURPOSES.

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

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

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

31 The board shall select annually a chairman and vice chairman from
32 any members of the board.

33 (2) The Governor, with the advice and consent of the Senate,
34 shall appoint eleven (11) other members from the following groups
35 or associations from a written list of three (3) recommendations

36 from such groups or associations:

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

41 One (1) general farmer from a written list of three (3)
42 recommendations submitted by the Mississippi Farm Bureau
43 Federation;

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

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

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

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

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

59 One (1) horse breeder and producer from a written list of
60 three (3) recommendations submitted by the Mississippi Horse
61 Council;

62 One (1) catfish breeder and producer from a written list of
63 three (3) recommendations submitted by the Mississippi Catfish
64 Association;

65 One (1) member of the Mississippi Independent Meat Packers'
66 Association from a written list of three (3) recommendations
67 submitted by the Mississippi Independent Meat Packers'
68 Association;

69 One (1) member of the Mississippi Livestock Auction
70 Association from a written list of three (3) recommendations
71 submitted by the Mississippi Livestock Auction Association.

72 All members shall take and subscribe to the general oath of
73 office as provided in Section 268, Mississippi Constitution of

74 1890, and file the same with the Commissioner of Agriculture and
75 Commerce.

76 (3) Effective August 1, 1968, the dairy producer member
77 shall be appointed for a one-year term; the Livestock Auction
78 Association member shall be appointed for a two-year term; and the
79 meat packer member shall be appointed for a three-year term; the
80 catfish producer member shall be appointed for a four-year term;
81 and the horse producer member shall be appointed for a five-year
82 term.

83 Effective August 1, 1969, the poultry producer member shall
84 be appointed for a two-year term; on August 1, 1970, the sheep
85 producer member shall be appointed for a three-year term; on
86 August 1, 1971, the swine producing member shall be appointed for
87 a four-year term; on August 1, 1972, the general farmer member
88 shall be appointed for a five-year term; on August 1, 1973, the
89 veterinarian member shall be appointed for a six-year term; and on
90 August 1, 1974, the beef cattle producer member shall be appointed
91 for a seven-year term.

92 All subsequent appointments shall be for four-year terms,
93 except for appointments to fill vacancies which shall be for the
94 unexpired term only.

95 (4) (a) "Commissioner" means the Commissioner of
96 Agriculture and Commerce.

97 (b) "Department" means the Department of Agriculture
98 and Commerce.

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

102 (6) There is created an advisory council to advise the Board
103 of Animal Health on matters concerning the board. The council
104 shall be composed of the Chairman of the Senate Agriculture
105 Committee, the Chairman of the House Agriculture Committee, and
106 one (1) appointee of the Lieutenant Governor and one (1) appointee
107 of the Speaker of the House of Representatives. The members of

108 the advisory council shall serve in an advisory capacity only.
109 For attending meetings of the council, such legislators shall
110 receive per diem and expenses which shall be paid from the
111 contingent expense funds of their respective houses in the same
112 amounts provided for committee meetings when the Legislature is
113 not in session; however, no per diem or expenses for attending
114 meetings of the council shall be paid while the Legislature is in
115 session. No per diem and expenses shall be paid except for
116 attending meetings of the council without prior approval of the
117 proper committee in their respective houses.

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

120 69-15-3. The State Capitol Commission shall provide office
121 space at the seat of the government, as it deems necessary and
122 requisite for the Board of Animal Health. The board shall adopt
123 rules and regulations as it deems proper to carry out its
124 statutory powers and duties. The rules and regulations shall also
125 prescribe the dates and hours of * * * meetings to be held every
126 other month and provide that special meetings shall be called by
127 the chairman at the request of the Commissioner of Agriculture and
128 Commerce, on three (3) days' written notice or by a majority vote
129 of the entire board on three (3) days' written notice.

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

132 69-15-7. The State Veterinarian is authorized and empowered
133 to employ the necessary professional, technical and clerical
134 personnel as he deems necessary to carry out the powers and duties
135 of the board, and to fix their compensation. The board shall
136 appoint from a written list of not less than three (3) licensed
137 veterinarians submitted by the Commissioner of Agriculture and
138 Commerce, a duly licensed and practicing veterinarian as the State
139 Veterinarian, who shall hold a degree of veterinary medicine from
140 a recognized college or university and shall have been engaged in
141 the practice of veterinary science for not less than ten (10)

142 years prior to his appointment. The State Veterinarian shall
143 serve at the will and pleasure of the board and shall enter into a
144 surety bond for the faithful performance of his duties, and the
145 premium therefor shall be paid by the board. The board shall also
146 be authorized to employ an attorney as authorized in Section
147 69-1-14, Mississippi Code of 1972.

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

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

174 No officer or agent of the State Veterinarian may enter the
175 actual enclosures of any person except (1) with the consent of the

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

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

193 69-15-11. (1) (a) There is created the Veterinary
194 Diagnostic Laboratory Board which shall maintain a complete and
195 adequate veterinary diagnostic laboratory at Jackson capable of
196 rendering quick and accurate diagnoses of disease conditions of
197 animals and livestock and aquaculture, including but not limited
198 to cattle, horses, sheep, swine, poultry and pets. The laboratory
199 shall not conduct any regulatory testing for food purposes.

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

210 the State Chemist. The Dean of the College of Veterinary Medicine
211 at Mississippi State University of Agriculture and Applied Science
212 shall serve as chairman of the board.

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

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

238 (e) The Veterinary Diagnostic Laboratory Board shall
239 select from a written list of three (3) recommendations submitted
240 by the Dean of the College of Veterinary Medicine at Mississippi
241 State University of Agriculture and Applied Science, an executive
242 director of the laboratory, with compensation as set by the
243 Veterinary Diagnostic Laboratory Board, who holds a degree of

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

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

278 Board that are sufficient to carry out the purposes of House Bill
279 No. 1584, 1998 Regular Session [Laws, 1998, Chapter 570].

280 (g) The Veterinary Diagnostic Laboratory Board may
281 promulgate rules and regulations to implement the provisions of
282 House Bill No. 1584, 1998 Regular Session [Laws, 1998, Chapter
283 570].

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

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

305 69-15-13. The State Veterinarian is vested with authority to
306 appoint and commission, without salary from the state, as its
307 inspectors, representatives of the United States Department of
308 Agriculture, and to accept from the United States Government such
309 assistance, financial and otherwise, for carrying out the purpose
310 of this statute, as may be available from time to time.

311 SECTION 7. Section 69-15-15, Mississippi Code of 1972, is

312 reenacted as follows:

313 69-15-15. (1) The Board of Animal Health shall have the
314 power and duty to quarantine all herds of cattle where a diagnosis
315 of anthrax is made.

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

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

329 (4) Any person, firm or corporation failing to comply with
330 any of the provisions of this section, or interfering with the
331 State Veterinarian or any duly appointed officer of the State
332 Veterinarian in the discharge of his duty or for having discharged
333 his duties, shall be deemed in violation of the provisions of this
334 section and shall be subject to the penalties provided in Section
335 69-15-65, Mississippi Code of 1972.

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

338 69-15-17. Sections 69-15-2, 69-15-3, 69-15-7, 69-15-9,
339 69-15-11, 69-15-13 and 69-15-15, Mississippi Code of 1972, are
340 repealed on July 1, 2003.

341 SECTION 9. Sections 9 through 16 of this act shall be known
342 and may be cited as the "Mississippi Agricultural Promotions
343 Program Act."

344 SECTION 10. The Legislature finds that there is a need for
345 a Mississippi Agricultural Promotions Program to increase consumer

346 awareness and expand the market for Mississippi's agricultural
347 products. The Legislature further finds that the Mississippi
348 Department of Agriculture and Commerce, through, but not limited
349 to, product identification programs and subsidies, loans and
350 grants, shall promote and advertise such products.

351 SECTION 11. For the purposes of Sections 9 through 16 of
352 this act, the following terms shall have the following meanings:

353 (a) "Commissioner" means the Commissioner of
354 Agriculture and Commerce.

355 (b) "Department" means the Department of Agriculture
356 and Commerce.

357 (c) "Person" means an individual, firm, partnership,
358 corporation, association, business, trust, legal representative or
359 any other business unit.

360 (d) "Reproduce" means to stencil, emboss, print,
361 engrave, impress, imprint, lithograph or duplicate in any manner
362 or to cause any such acts to be done.

363 (e) "Agricultural product" means any product that is at
364 least fifty-one percent (51%) grown, processed or manufactured in
365 the State of Mississippi.

366 (f) "Division" means the Division of Market Development
367 within the Department of Agriculture and Commerce.

368 SECTION 12. The department, in its discretion, may establish
369 a program of grants, loans and subsidies to be matched by
370 agricultural entities in the state to finance and promote
371 agricultural economic development.

372 SECTION 13. (1) The purpose of Sections 9 through 16 of
373 this act is to authorize the division to establish and coordinate
374 the Mississippi Agricultural Promotions Program. The duties of
375 the division shall include, but are not limited to:

376 (a) Developing a logo and authorizing the use of that
377 logo;

378 (b) Developing a program for loans, grants and
379 subsidies;

380 (c) Registering participants;
381 (d) Requesting and collecting reimbursements from
382 program participants;
383 (e) Promoting and advertising Mississippi and its
384 agricultural products through the purchase of promotional items;
385 (f) Developing in-kind advertising programs and
386 promotional materials; and
387 (g) Contracting with media representatives for the
388 purpose of dispersing promotional materials.

389 (2) The commissioner shall promulgate rules necessary to
390 implement the provisions of this act.

391 SECTION 14. Any person who participates in the Mississippi
392 Agricultural Promotions Program shall register annually with the
393 department in a form and manner as required by the department.
394 Each person shall renew his registration by July 1 of each year.

395 SECTION 15. There is created a special fund to be designated
396 as the "Mississippi Agricultural Promotions Fund" within the State
397 Treasury to receive all monies related to the Mississippi
398 Agricultural Promotions Program. Monies deposited in the fund
399 shall be expended, upon legislative appropriations, and upon
400 requisition therefor by the Commissioner of Agriculture, for the
401 sole purpose of implementing the Mississippi Agricultural
402 Promotions Program. Unexpended amounts remaining in the fund at
403 the end of the fiscal year shall not lapse into the State General
404 Fund, and any interest earned on amounts in the fund shall be
405 deposited to the credit of the fund.

406 SECTION 16. It is unlawful for any person to use, reproduce
407 or distribute the logo of the Mississippi Agricultural Promotions
408 Program without being registered with the department or to
409 otherwise violate the provisions of this act or any rules adopted
410 under this act. Any person who violates any of the provisions of
411 Sections 9 through 16 of this act or any rule promulgated under
412 Sections 9 through 16 of this act revokes his rights for logo use
413 or any funding hereunder.

414 SECTION 17. This act shall take effect and be in force from
415 and after July 1, 1999.