

By: Senator(s) Ross, Thames

To: Agriculture

SENATE BILL NO. 2328
(As Passed the Senate)

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.

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

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

109 69-15-3. The State Capitol Commission shall provide office
110 space at the seat of the government, as it deems necessary and
111 requisite for the Board of Animal Health. The board shall adopt
112 rules and regulations as it deems proper to carry out its
113 statutory powers and duties. The rules and regulations shall also
114 prescribe the dates and hours of monthly meetings and provide that
115 special meetings shall be called by the chairman at the request of
116 the Commissioner of Agriculture and Commerce, on three (3) days'
117 written notice or by a majority vote of the entire board on three
118 (3) days' written notice.

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

121 69-15-7. The State Veterinarian is authorized and empowered
122 to employ the necessary professional, technical and clerical
123 personnel as he deems necessary to carry out the powers and duties
124 of the board, and to fix their compensation. The board shall
125 appoint from a written list of not less than three (3) licensed
126 veterinarians submitted by the Commissioner of Agriculture and
127 Commerce, a duly licensed and practicing veterinarian as the State
128 Veterinarian, who shall hold a degree of veterinary medicine from
129 a recognized college or university and shall have been engaged in
130 the practice of veterinary science for not less than ten (10)
131 years prior to his appointment. The State Veterinarian shall

132 serve at the will and pleasure of the board and shall enter into a
133 surety bond for the faithful performance of his duties, and the
134 premium therefor shall be paid by the board. The board shall also
135 be authorized to employ an attorney as authorized in Section
136 69-1-14, Mississippi Code of 1972.

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

139 69-15-9. The Board of Animal Health shall have plenary power
140 to deal with all contagious and infectious diseases of animals as
141 in the opinion of the board may be prevented, controlled or
142 eradicated, and with full power to make, promulgate and enforce
143 such rules and regulations as in the judgment of the board may be
144 necessary to control, eradicate and prevent the introduction and
145 spread of anthrax, tuberculosis, hog cholera, Texas and splenic
146 fever and the fever-carrying tick (*margaropus annulatus*), cattle
147 brucellosis, anaplasmosis, infectious bovine rhinotracheitis,
148 muscosal disease, cattle viral diarrhea, cattle scabies, sheep
149 scabies, hog cholera, swine erysipelas, swine brucellosis, equine
150 encephalomyelitis, rabies, vesicular diseases, salmonella group,
151 newcastle disease, infectious laryngotracheitis,
152 ornithosis-psittacosis, mycoplasma group and any suspected new
153 and/or foreign diseases of livestock and poultry and all other
154 diseases of animals in this state, and the board is hereby vested
155 with full authority to establish and maintain quarantine lines and
156 to quarantine by county, supervisors district, parcel of land or
157 herd. The State Veterinarian shall appoint as many inspectors and
158 range riders as may be deemed necessary, and the funds at his
159 disposal will permit, and shall delegate authority to said
160 inspectors and range riders, to enter premises to inspect and
161 disinfect livestock and premises, and enforce quarantine including
162 counties, farms, pens, stables and other premises.

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

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

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

182 69-15-11. (1) (a) There is created the Veterinary
183 Diagnostic Laboratory Board which shall maintain a complete and
184 adequate veterinary diagnostic laboratory at Jackson capable of
185 rendering quick and accurate diagnoses of disease conditions of
186 animals and livestock and aquaculture, including but not limited
187 to cattle, horses, sheep, swine, poultry and pets. The laboratory
188 shall not conduct any regulatory testing for food purposes.

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

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

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

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

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

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

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

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

269 (g) The Veterinary Diagnostic Laboratory Board may
270 promulgate rules and regulations to implement the provisions of
271 House Bill No. 1584, 1998 Regular Session [Laws, 1998, Chapter
272 570].

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

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

294 69-15-13. The State Veterinarian is vested with authority to
295 appoint and commission, without salary from the state, as its
296 inspectors, representatives of the United States Department of
297 Agriculture, and to accept from the United States Government such
298 assistance, financial and otherwise, for carrying out the purpose
299 of this statute, as may be available from time to time.

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

302 69-15-15. (1) The Board of Animal Health shall have the
303 power and duty to quarantine all herds of cattle where a diagnosis
304 of anthrax is made.

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

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

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

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

327 69-15-17. Sections 69-15-2, 69-15-3, 69-15-7, 69-15-9,
328 69-15-11, 69-15-13 and 69-15-15, Mississippi Code of 1972, are
329 repealed on July 1, 2001.

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