

## REPORT OF CONFERENCE COMMITTEE

### MR. SPEAKER AND MR. PRESIDENT:

We, the undersigned conferees, have had under consideration the amendments to the following entitled **BILL**:

H.B. No. 660: Board of Animal Health, Veterinary Diagnostic Board and State Veterinarian; reenact and extend repealer.

We, therefore, respectfully submit the following report and recommendation:

1. That the Senate recede from its Amendment No. 1.
2. That the House and Senate adopt the following amendment:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

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.

CONFEREES FOR THE HOUSE:

X  
D. Stephen Holland

X  
William Miles

X  
Blaine Eaton

CONFEREES FOR THE SENATE:

X  
Billy Thames

X  
Billy V. Harvey

X  
Charlie Ross