

*****Pending*****

AMENDMENT No. 1 PROPOSED TO

Senate Bill NO. 2328

By Representative(s) Committee

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

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

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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.

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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.

**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 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.