

*****Pending*****

AMENDMENT No. 1 PROPOSED TO

House Bill NO. 660

By Senator(s) Committee

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

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

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

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

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

35 One (1) general farmer from a written list of three (3)
36 recommendations submitted by the Mississippi Farm Bureau
37 Federation;

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

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

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

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

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

53 One (1) horse breeder and producer from a written list of
54 three (3) recommendations submitted by the Mississippi Horse
55 Council;

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

59 One (1) member of the Mississippi Independent Meat Packers'
60 Association from a written list of three (3) recommendations
61 submitted by the Mississippi Independent Meat Packers'
62 Association;

63 One (1) member of the Mississippi Livestock Auction
64 Association from a written list of three (3) recommendations
65 submitted by the Mississippi Livestock Auction Association.

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

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68 1890, and file the same with the Commissioner of Agriculture and
69 Commerce.

70 (3) Effective August 1, 1968, the dairy producer member
71 shall be appointed for a one-year term; the Livestock Auction
72 Association member shall be appointed for a two-year term; and the
73 meat packer member shall be appointed for a three-year term; the
74 catfish producer member shall be appointed for a four-year term;
75 and the horse producer member shall be appointed for a five-year
76 term.

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

86 All subsequent appointments shall be for four-year terms,
87 except for appointments to fill vacancies which shall be for the
88 unexpired term only.

89 (4) (a) "Commissioner" means the Commissioner of
90 Agriculture and Commerce.

91 (b) "Department" means the Department of Agriculture
92 and Commerce.

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

96 (6) There is created an advisory council to advise the Board
97 of Animal Health on matters concerning the board. The council
98 shall be composed of the Chairman of the Senate Agriculture
99 Committee, the Chairman of the House Agriculture Committee, and
100 one (1) appointee of the Lieutenant Governor and one (1) appointee

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101 of the Speaker of the House of Representatives. The members of
102 the advisory council shall serve in an advisory capacity only.
103 For attending meetings of the council, such legislators shall
104 receive per diem and expenses which shall be paid from the
105 contingent expense funds of their respective houses in the same
106 amounts provided for committee meetings when the Legislature is
107 not in session; however, no per diem or expenses for attending
108 meetings of the council shall be paid while the Legislature is in
109 session. No per diem and expenses shall be paid except for
110 attending meetings of the council without prior approval of the
111 proper committee in their respective houses.

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

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

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

126 69-15-7. The State Veterinarian is authorized and empowered
127 to employ the necessary professional, technical and clerical
128 personnel as he deems necessary to carry out the powers and duties
129 of the board, and to fix their compensation. The board shall
130 appoint from a written list of not less than three (3) licensed
131 veterinarians submitted by the Commissioner of Agriculture and
132 Commerce, a duly licensed and practicing veterinarian as the State
133 Veterinarian, who shall hold a degree of veterinary medicine from

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134 a recognized college or university and shall have been engaged in
135 the practice of veterinary science for not less than ten (10)
136 years prior to his appointment. The State Veterinarian shall
137 serve at the will and pleasure of the board and shall enter into a
138 surety bond for the faithful performance of his duties, and the
139 premium therefor shall be paid by the board. The board shall also
140 be authorized to employ an attorney as authorized in Section
141 69-1-14, Mississippi Code of 1972.

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

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

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167 counties, farms, pens, stables and other premises.

168 No officer or agent of the State Veterinarian may enter the
169 actual enclosures of any person except (1) with the consent of the
170 person lawfully in possession thereof or (2) in the absence of
171 such consent, with a proper writ obtained as in other cases of
172 searches and seizures under constitutional law. When such
173 officers and agents are lawfully on the premises, either by
174 permission or writ, they shall be authorized to inspect the
175 premises and the livestock and animals found thereon by entering
176 the enclosures and buildings and they are authorized to check
177 livestock and poultry found therein for any contagious diseases
178 and take proper action to control or eradicate any such diseases
179 that may be found. While such officers and agents are performing
180 their duties hereunder, they shall not be personally liable except
181 for gross negligence. The refusal without lawful reason of any
182 person to give the consent aforesaid shall be deemed a misdemeanor
183 and shall be punishable as for violations of Article 5 of this
184 chapter as provided for in Section 69-15-115.

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

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

194 (b) The Veterinary Diagnostic Laboratory Board is to be
195 composed of the Chairman of the Board of Animal Health; the
196 Commissioner of Agriculture and Commerce; the Dean of the College
197 of Veterinary Medicine at Mississippi State University of
198 Agriculture and Applied Science; a person appointed by the
199 President of Alcorn State University from its land grant staff who

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200 is not a member of the Board of Animal Health; a licensed and
201 practicing veterinarian appointed by the President of the
202 Mississippi State Veterinary Medical Association who is not a
203 member of the Board of Animal Health; the State Veterinarian and
204 the State Chemist. The Dean of the College of Veterinary Medicine
205 at Mississippi State University of Agriculture and Applied Science
206 shall serve as chairman of the board.

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

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

232 (e) The Veterinary Diagnostic Laboratory Board shall

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233 select from a written list of three (3) recommendations submitted
234 by the Dean of the College of Veterinary Medicine at Mississippi
235 State University of Agriculture and Applied Science, an executive
236 director of the laboratory, with compensation as set by the
237 Veterinary Diagnostic Laboratory Board, who holds a degree of
238 veterinary medicine from a recognized college or university; is
239 board certified in one (1) of the following basic diagnostic
240 disciplines: toxicology, pathology, microbiology, virology or
241 clinical pathology; and has engaged in the practice of veterinary
242 clinical diagnosis for at least ten (10) years, five (5) years of
243 which were in a supervisory capacity. The executive director
244 shall select and employ such veterinarians, bacteriologists,
245 pathologists, technicians, clerical assistants, and other
246 personnel necessary to carry out the objective of this section.
247 The salaries, compensation and expenses of such employees shall be
248 fixed by the executive director and shall be sufficient to insure
249 the employment of competent persons and shall be paid from funds
250 at the disposal of the Veterinary Diagnostic Laboratory Board.
251 The executive director shall be responsible for the daily
252 operations of the laboratory. The Veterinary Diagnostic
253 Laboratory Board shall provide such office and technical
254 equipment, and other items of personal property necessary and
255 proper to effect the full meaning of this section.

256 (f) All funds, property and other assets of the Board
257 of Animal Health's diagnostic laboratory shall be transferred to
258 the Veterinary Diagnostic Laboratory Board on July 1, 1998. All
259 current positions of the Board of Animal Health's diagnostic
260 laboratory shall be transferred to the Veterinary Diagnostic
261 Laboratory Board on July 1, 1998. Such transfer shall be based on
262 consultation with the Legislative Budget Office staff and on
263 estimated Fiscal Year 1998 budget expenditures as contained in the
264 Fiscal Year 1999 budget request of the Board of Animal Health.
265 Before establishment and allotment of such resources for Fiscal

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266 Year 1999, copies of the proposed division of resources shall be
267 provided for review to the advisory council for the Veterinary
268 Diagnostic Laboratory Board, the Legislative Budget Office and the
269 Joint Legislative Committee on Performance, Evaluation and
270 Expenditure Review. It is the intent of the Legislature that
271 funds shall be transferred to the Veterinary Diagnostic Laboratory
272 Board that are sufficient to carry out the purposes of House Bill
273 No. 1584, 1998 Regular Session [Laws, 1998, Chapter 570].

274 (g) The Veterinary Diagnostic Laboratory Board may
275 promulgate rules and regulations to implement the provisions of
276 House Bill No. 1584, 1998 Regular Session [Laws, 1998, Chapter
277 570].

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

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

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

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

307 69-15-15. (1) The Board of Animal Health shall have the
308 power and duty to quarantine all herds of cattle where a diagnosis
309 of anthrax is made.

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

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

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

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

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332 69-15-17. Sections 69-15-2, 69-15-3, 69-15-7, 69-15-9,
333 69-15-11, 69-15-13 and 69-15-15, Mississippi Code of 1972, are
334 repealed on July 1, 2003.

335 SECTION 9. This act shall take effect and be in force from
336 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; AND FOR RELATED PURPOSES.