

By: Representative Ford

To: Agriculture

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 783

1 AN ACT TO REENACT SECTIONS 69-15-2 THROUGH 69-15-15,
2 MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE MISSISSIPPI BOARD
3 OF ANIMAL HEALTH; TO AMEND REENACTED SECTION 69-15-3, MISSISSIPPI
4 CODE OF 1972, TO PROVIDE THAT THE DEPARTMENT OF FINANCE AND
5 ADMINISTRATION SHALL PROVIDE OFFICE SPACE FOR THE BOARD OF ANIMAL
6 HEALTH; TO AMEND SECTION 69-15-17, TO EXTEND THE DATE OF REPEAL ON
7 THE MISSISSIPPI BOARD OF ANIMAL HEALTH; 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 and amended as follows:

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

119 **SECTION 3.** Section 69-15-5, Mississippi Code of 1972, is
120 reenacted as follows:

121 69-15-5. The members of the Board of Animal Health who are
122 not full-time public officers or public employees shall be
123 entitled to a per diem as is provided by Section 25-3-69,
124 Mississippi Code of 1972, not to exceed twenty (20) days in any
125 fiscal year. All members shall be entitled to mileage and actual
126 and necessary expenses in attending such regular or special
127 meetings, as provided by Section 25-3-41.



128 **SECTION 4.** Section 69-15-7, Mississippi Code of 1972, is
129 reenacted as follows:

130 69-15-7. The State Veterinarian is authorized and empowered
131 to employ the necessary professional, technical and clerical
132 personnel as he deems necessary to carry out the powers and duties
133 of the board, and to fix their compensation. The board shall
134 appoint from a written list of not less than three (3) licensed
135 veterinarians submitted by the Commissioner of Agriculture and
136 Commerce, a duly licensed and practicing veterinarian as the State
137 Veterinarian, who shall hold a degree of veterinary medicine from
138 a recognized college or university and shall have been engaged in
139 the practice of veterinary science for not less than ten (10)
140 years prior to his appointment. The State Veterinarian shall
141 serve at the will and pleasure of the board and shall enter into a
142 surety bond for the faithful performance of his duties, and the
143 premium therefor shall be paid by the board. The board shall also
144 be authorized to employ an attorney as authorized in Section
145 69-1-14, Mississippi Code of 1972.

146 **SECTION 5.** Section 69-15-9, Mississippi Code of 1972, is
147 reenacted as follows:

148 69-15-9. The Board of Animal Health shall have plenary power
149 to deal with all contagious and infectious diseases of animals as
150 in the opinion of the board may be prevented, controlled or
151 eradicated, and with full power to make, promulgate and enforce
152 such rules and regulations as in the judgment of the board may be
153 necessary to control, eradicate and prevent the introduction and
154 spread of anthrax, tuberculosis, hog cholera, Texas and splenic
155 fever and the fever-carrying tick (*margaropus annulatus*), cattle
156 brucellosis, anaplasmosis, infectious bovine rhinotracheitis,
157 muscosal disease, cattle viral diarrhea, cattle scabies, sheep
158 scabies, hog cholera, swine erysipelas, swine brucellosis, equine
159 encephalomyelitis, rabies, vesicular diseases, salmonella group,
160 newcastle disease, infectious laryngotracheitis,



161 ornithosis-psittacosis, mycoplasma group and any suspected new
162 and/or foreign diseases of livestock and poultry and all other
163 diseases of animals in this state, and the board is hereby vested
164 with full authority to establish and maintain quarantine lines and
165 to quarantine by county, supervisors district, parcel of land or
166 herd. The State Veterinarian shall appoint as many inspectors and
167 range riders as may be deemed necessary, and the funds at his
168 disposal will permit, and shall delegate authority to said
169 inspectors and range riders, to enter premises to inspect and
170 disinfect livestock and premises, and enforce quarantine including
171 counties, farms, pens, stables and other premises.

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

189 The Board of Animal Health shall administer the special fund
190 created in Section 69-15-19.

191 **SECTION 6.** Section 69-15-11, Mississippi Code of 1972, is
192 reenacted as follows:



193 69-15-11. (1) The College of Veterinary Medicine at
194 Mississippi State University of Agriculture and Applied Science
195 shall maintain a complete and adequate veterinary diagnostic
196 laboratory in the Jackson vicinity and any person licensed to
197 practice veterinary medicine, veterinary surgery, veterinary
198 dentistry, or any vocational-agriculture teacher, bona fide farmer
199 or county agent in the State of Mississippi or agent of the State
200 Veterinarian shall have made available to him services of the
201 laboratory. The laboratory shall examine and conduct laboratory
202 tests on specimens submitted by any licensed veterinarian, or
203 vocational-agriculture teacher, bona fide farmer or county agent
204 of this state or agent of the State Veterinarian and issue
205 appropriate reports. The College of Veterinary Medicine shall be
206 required to set reasonable fees for such examinations, tests,
207 reports or other diagnostic service.

208 (2) The College of Veterinary Medicine shall select a
209 director of the laboratory who holds a degree of veterinary
210 medicine from a recognized college or university; is board
211 certified in one (1) of the following basic diagnostic
212 disciplines; toxicology, pathology, microbiology, virology or
213 clinical pathology and has engaged in the practice of veterinary
214 clinical diagnosis for at least ten (10) years, five (5) years of
215 which were in a supervisory capacity. The director shall select
216 and recommend for employment such veterinarians, bacteriologists,
217 pathologists, technicians, clerical assistants, and other
218 personnel necessary to carry out the objective of this section.
219 The salaries, compensation and expenses of such employees shall be
220 sufficient to insure the employment of competent persons and shall
221 be paid from funds at the disposal of the Veterinary Diagnostic
222 Laboratory. The director shall be responsible to the College of
223 Veterinary Medicine for the daily operations of the laboratory.

224 (3) There is created an advisory council to advise the
225 College of Veterinary Medicine on matters concerning the



226 Veterinary Diagnostic Laboratory. The council shall be composed
227 of the Chairman of the Senate Agriculture Committee, or his
228 designee; the Chairman of the House Agriculture Committee, or his
229 designee; the Chairman of the Board of Animal Health; the
230 Commissioner of Agriculture and Commerce; a person appointed by
231 the President of Alcorn State University from its land grant staff
232 who is not a member of the Board of Animal Health; a licensed and
233 practicing veterinarian appointed by the President of the
234 Mississippi State Veterinary Medical Association who is not a
235 member of the Board of Animal Health; the State Veterinarian; the
236 State Chemist; and the Dean of the College of Veterinary Medicine.
237 This advisory council shall meet at least twice a year, upon
238 written notification at least fourteen (14) days in advance, to be
239 called by the Dean of the College of Veterinary Medicine. A
240 meeting may also be called by the Commissioner of Agriculture or
241 by a majority of the advisory council with fourteen (14) days'
242 written notice.

243 The members of the advisory council shall serve in an
244 advisory capacity only. For attending meetings of the council,
245 legislators shall receive per diem and expenses which shall be
246 paid from the contingent expense funds of their respective houses
247 in the same amounts provided for committee meetings when the
248 Legislature is not in session; however, no per diem or expenses
249 for attending meetings of the council shall be paid while the
250 Legislature is in session. No per diem and expenses shall be paid
251 except for attending meetings of the council without prior
252 approval of the proper committee in their respective houses.

253 (4) All funds, property and other assets and all current
254 positions of the diagnostic laboratory shall be transferred to the
255 College of Veterinary Medicine on July 1, 2002. The budget of the
256 Veterinary Diagnostic Laboratory shall be funded as a separate
257 line item within the general appropriation bill for the College of
258 Veterinary Medicine.



259 (5) Information and records pertaining to all animal
260 diseases within the state will be kept confidential except for
261 those reports concerning diseases that are specifically regulated
262 for mandatory control and eradication, or when release of such
263 information is deemed necessary by the State Veterinarian to
264 protect the public health, other livestock or wildlife.

265 **SECTION 7.** Section 69-15-13, Mississippi Code of 1972, is
266 reenacted as follows:

267 69-15-13. The State Veterinarian is vested with authority to
268 appoint and commission, without salary from the state, as its
269 inspectors, representatives of the United States Department of
270 Agriculture, and to accept from the United States government such
271 assistance, financial and otherwise, for carrying out the purpose
272 of this statute, as may be available from time to time.

273 **SECTION 8.** Section 69-15-15, Mississippi Code of 1972, is
274 reenacted as follows:

275 69-15-15. (1) The Board of Animal Health shall have the
276 power and duty to quarantine all herds of cattle where a diagnosis
277 of anthrax is made.

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

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



291 (4) Any person, firm or corporation failing to comply with
292 any of the provisions of this section, or interfering with the
293 State Veterinarian or any duly appointed officer of the State
294 Veterinarian in the discharge of his duty or for having discharged
295 his duties, shall be deemed in violation of the provisions of this
296 section and shall be subject to the penalties provided in Section
297 69-15-65, Mississippi Code of 1972.

298 **SECTION 9.** Section 69-15-17, Mississippi Code of 1972, is
299 amended as follows:

300 69-15-17. Sections 69-15-2, 69-15-3, 69-15-7, 69-15-9,
301 69-15-11, 69-15-13 and 69-15-15, Mississippi Code of 1972, are
302 repealed on July 1, 2006.

303 **SECTION 10.** This act shall take effect and be in force from
304 and after July 1, 2003.

