SENATE BILL NO. 2516
(As Sent to Governor)


BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

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

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

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

One (1) licensed and practicing veterinarian who holds a Doctor of Veterinary Medicine Degree, from a written list of three recommendations submitted by the Mississippi State Veterinary Medical Association;
One (1) general farmer from a written list of three (3) recommendations submitted by the Mississippi Farm Bureau Federation;

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

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

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

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

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

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

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

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

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

All members shall take and subscribe to the general oath of office as provided in Section 268, Mississippi Constitution of
1890, and file the same with the Commissioner of Agriculture and
Commerce.

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

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

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

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

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

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

(6) There is created an advisory council to advise the Board
of Animal Health on matters concerning the board. The council
shall be composed of the Chairman of the Senate Agriculture
Committee, the Chairman of the House Agriculture Committee, and
one (1) appointee of the Lieutenant Governor and one (1) appointee
of the Speaker of the House of Representatives. The members of
the advisory council shall serve in an advisory capacity only.
For attending meetings of the council, such legislators shall
receive per diem and expenses which shall be paid from the
contingent expense funds of their respective houses in the same
amounts provided for committee meetings when the Legislature is
not in session; however, no per diem or expenses for attending
meetings of the council shall be paid while the Legislature is in
session. No per diem and expenses shall be paid except for
attending meetings of the council without prior approval of the
proper committee in their respective houses.

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

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

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

69-15-5. The members of the Board of Animal Health who are
not full-time public officers or public employees shall be
entitled to a per diem as is provided by Section 25-3-69,
Mississippi Code of 1972, not to exceed twenty (20) days in any
fiscal year. All members shall be entitled to mileage and actual
and necessary expenses in attending such regular or special
meetings, as provided by Section 25-3-41.
SECTION 4. Section 69-15-7, Mississippi Code of 1972, is reenacted as follows:

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

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

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

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

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

**SECTION 6.** Section 69-15-11, Mississippi Code of 1972, is
reenacted as follows:
69-15-11. (1) The College of Veterinary Medicine at Mississippi State University of Agriculture and Applied Science shall maintain a complete and adequate veterinary diagnostic laboratory in the Jackson vicinity and any person licensed to practice veterinary medicine, veterinary surgery, veterinary dentistry, or any vocational-agriculture teacher, bona fide farmer or county agent in the State of Mississippi or agent of the State Veterinarian shall have made available to him services of the laboratory. The laboratory shall examine and conduct laboratory tests on specimens submitted by any licensed veterinarian, or vocational-agriculture teacher, bona fide farmer or county agent of this state or agent of the State Veterinarian and issue appropriate reports. The College of Veterinary Medicine shall be required to set reasonable fees for such examinations, tests, reports or other diagnostic service.

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

(3) There is created an advisory council to advise the
Veterinary Diagnostic Laboratory. The council shall be composed of the Chairman of the Senate Agriculture Committee, or his designee; the Chairman of the House Agriculture Committee, or his designee; the Chairman of the Board of Animal Health; the Commissioner of Agriculture and Commerce; a person appointed by the President of Alcorn State University from its land grant staff who is not a member of the Board of Animal Health; a licensed and practicing veterinarian appointed by the President of the Mississippi State Veterinary Medical Association who is not a member of the Board of Animal Health; the State Veterinarian; the State Chemist; and the Dean of the College of Veterinary Medicine. This advisory council shall meet at least twice a year, upon written notification at least fourteen (14) days in advance, to be called by the Dean of the College of Veterinary Medicine. A meeting may also be called by the Commissioner of Agriculture or by a majority of the advisory council with fourteen (14) days' written notice.

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

(4) All funds, property and other assets and all current positions of the diagnostic laboratory shall be transferred to the College of Veterinary Medicine on July 1, 2002. The budget of the Veterinary Diagnostic Laboratory shall be funded as a separate line item within the general appropriation bill for the College of Veterinary Medicine.
(5) Information and records pertaining to all animal diseases within the state will be kept confidential except for those reports concerning diseases that are specifically regulated for mandatory control and eradication, or when release of such information is deemed necessary by the State Veterinarian to protect the public health, other livestock or wildlife.

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

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

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

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

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

(3) The Board of Animal Health shall have the power and duty to quarantine all herds of cattle on lands immediately adjacent to any infected herd. Such quarantine shall remain in effect until the State Veterinarian receives a certificate as specified in subsection (2) of this section.
(4) Any person, firm or corporation failing to comply with any of the provisions of this section, or interfering with the State Veterinarian or any duly appointed officer of the State Veterinarian in the discharge of his duty or for having discharged his duties, shall be deemed in violation of the provisions of this section and shall be subject to the penalties provided in Section 69-15-65, Mississippi Code of 1972.

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


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