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Chapter No. 399
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SENATE BILL NO. 2796

Originated in Senate *Juan D. Guzman* Secretary

SENATE BILL NO. 2796

AN ACT TO AMEND SECTIONS 57-21-7, 57-21-9, 57-21-11 AND 57-21-13, MISSISSIPPI CODE OF 1972, TO REVISE THE QUALIFICATIONS, STATUS AND RESPONSIBILITIES OF THE STATE CHEMIST AND TO PROVIDE FOR THE PROGRAM ORGANIZATION AND PERSONNEL SUPPORT FOR THE MISSISSIPPI STATE CHEMICAL LABORATORY; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 57-21-7, Mississippi Code of 1972, is amended as follows:

57-21-7. The chief executive officer of the laboratory shall be the State Chemist.

(a) **Qualifications:** The State Chemist shall be an individual who has earned the Doctor of Philosophy degree or its equivalent * * * at a recognized university or college qualified to grant such degrees. The major field of his or her training should be preferably in traditional or applied fields of chemistry or biochemistry, but other disciplines may be acceptable if the individual has experience qualifying him or her otherwise. He or she should also have knowledge by training or experience of agricultural, industrial or health-related fields. The candidate for State Chemist must be acceptable as a * * * faculty member in a department of * * * the university appropriate to his or her earned doctorate degree.

(b) **Appointment:** The State Chemist shall be appointed by the president of the university, with the advice and consent of the Senate, for a term of six (6) years; and the said State Chemist shall serve for said six-year term and until his successor shall have been appointed and qualified. However, it is provided that the said State Chemist may be removed from office by the

Board of Trustees of State Institutions of Higher Learning upon the demonstration of his inability to serve due to illness, incompetence, malfeasance in office, dereliction of duty or moral turpitude. The Board of Trustees of State Institutions of Higher Learning shall fix the annual salary of the State Chemist, who shall be paid from the budget of the Mississippi State Chemical Laboratory or from the budget of the university, or from both, whichever is deemed desirable by the Board of Trustees of State Institutions of Higher Learning.

(c) **Status:** The State Chemist shall simultaneously hold an appointment as professor * * * in a department of the university appropriate to the discipline of their doctorate degree. He or she may be granted tenure as a faculty member in accordance with the rules current at the university upon his or her appointment. As a state regulatory official, the duties of the State Chemist are service in nature. However, as time permits, the State Chemist may teach or direct research * * * as part of his or her professional duties, and may serve in other administrative positions as deemed desirable * * * with the consent and approval of the president of the university and the board of trustees. He or she shall receive appropriate reimbursement for such services.

(d) **Responsibility:** The State Chemist shall be responsible to and shall report to the president of the university or a designee of the president.

(e) **Duties:** The State Chemist shall:

1. Serve as the chief executive officer and director of the State Chemical Laboratory.

2. Recommend the appointment, discharge, annual salaries, duties, and titles of administrative, technical and support personnel and staff of the laboratory to assist him or her in carrying out its authorized functions.

3. Prepare and submit budget requests for the laboratory to the appropriate agency, subject to approval by the president of the university and the board of trustees. The State Chemist shall present such requests before the Legislative Budget Office and legislative committees. He or she shall prepare an annual budget for operation of the laboratory from appropriated or special funds or other income available, and shall make monthly, quarterly and other reports of such income and expenditures to the appropriate agencies as required by law.

4. Maintain an inventory of laboratory equipment and report it appropriately to the proper agencies as required by law.

5. Prepare annual or biennial reports and special reports as needed of laboratory activities, programs and recommendations. Such reports shall be submitted to governmental heads and agencies as required by statutes, to the president of the university, the Board of Trustees of State Institutions of Higher Learning, and to the chief executive officer of each agency with which it cooperates.

6. Serve on such state or national agencies, commissions, boards, organizations or committees as required by law.

7. Conduct other business necessary and desirable for proper discharge of his or her responsibilities to the state or as may be stipulated here or elsewhere in the laws of Mississippi.

SECTION 2. Section 57-21-9, Mississippi Code of 1972, is amended as follows:

57-21-9. The laboratory is established for the following purposes:

(a) To provide analytical chemical and bacteriological services for regulatory control, in cooperation with the Mississippi Department of Agriculture and Commerce, of the quality

of feeds, oil-seed meals, fertilizers and economic poisons offered for sale in Mississippi. The State Chemist shall also share responsibility for labeling and standards of such goods with these agencies.

(b) To conduct chemical, bacteriological and physical tests of foods sold in the state, regulating the quality and labeling of such foods.

(c) To conduct chemical and physical tests on petroleum products offered for sale in the state.

(d) To provide chemically oriented consultation, problem-solving services and supporting analytical chemistry for other state organizations and agencies such as the Mississippi Department of Wildlife, Fisheries and Parks, the Mississippi Department of Environmental Quality, the State Geologist, the Board of Health, the Mississippi Development Authority, the University Research Center, the Veterinary Diagnostic Laboratory, the Highway Patrol, the Mississippi Crime Laboratory, the Mississippi Department of Agriculture and Commerce, the Cooperative Extension Service and the Agricultural and Forestry Experimental Station as funds and resources permit.

(e) To provide chemical consultation, toxicological analyses and scientific services for the solution of problems of individual citizens and firms of the state who are engaged in agricultural or industrial endeavors furthering the economic growth or development of Mississippi.

(f) To conduct research and development programs associated with the discharge of these responsibilities.

(g) To carry out any program or duty which may be authorized or delegated to it by future legislation.

SECTION 3. Section 57-21-11, Mississippi Code of 1972, is amended as follows:

57-21-11. The laboratory shall be organized as necessary to properly conduct the program responsibilities and purposes

outlined generally in Section 57-21-9 and specifically stated in various state laws. A minimum of four (4) divisions as described below is authorized; extra major divisions needed to organize the laboratory work may be established by the State Chemist.

(a) Chemical Regulatory Division -- This division shall carry out regulatory control programs in food, animal feeds, fertilizers, economic poisons, paints and varnishes, and similar programs legally authorized.

(b) Petroleum Products Division -- This division shall conduct testing on petroleum and related products. Any person desiring testing of petroleum and related products shall pay to the State Chemist the actual cost of such testing.

(c) Industrial and Agricultural Services Division -- This division shall provide applied scientific and engineering consultation to industries and individuals residing in or doing business in the state. Such services might include, among other things, chemical or physical analyses, nondestructive or destructive physical testing, bacteriological examinations and tests, on-site examinations of problems, sampling and limited quality control analyses, research, or other activities related to the improvement of processes, products, or raw materials. Such analyses or examinations will be directed towards solutions of problems of state industries, farmers, or citizens * * *. The laboratory may charge for its services at established prices or may negotiate with the client for a service, consultation, or research contract at terms agreeable to the client and the State Chemist.

The guiding principle in such services * * * shall be that they contribute to the economic growth and development of Mississippi or to the welfare of its citizens, and that major projects shall be self-supporting but nonprofit.

This division may perform such services using its own resources, or it may arrange for additional technical aid,

consultation by other university faculty members, and use of facilities, services, or equipment of other university departments on a reimbursement basis. Any such arrangement shall always be established with the approval of the university administration.

Agricultural analyses for individual citizens may be charged * * * on a cost basis * * *. Fees for services shall be established by regulations by the State Chemist.

Services may be provided to other state agencies on an equivalent-cost exchange basis * * *. The agency shall be invoiced for the cost of services as negotiated between the laboratory and the agency. Any special equipment required to conduct such services shall be a part of the assessed charge.

All such services of this division may be made available to any state agency, firm, or individual only as far as personnel, funds, and equipment permit. The division reserves the right to refuse any services which interfere with other functions of the laboratory or which may generate a conflict of interest.

(d) Research Division -- This division shall conduct self-supported, grant, or contract research. This research is directed toward problem solving, having immediate or potential influence on the economic growth and promotion of agriculture or industry in Mississippi, or * * * improvement of the laboratory's analytical capabilities in support of its current or anticipated future regulatory functions. The division is authorized to apply for, negotiate for payment, and conduct research on grants or contracts from federal and state agencies, industrial firms, and individuals or groups of individuals.

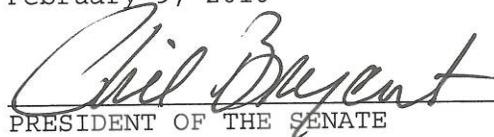
SECTION 4. Section 57-21-13, Mississippi Code of 1972, is amended as follows:

57-21-13. Administrative, technical, and support personnel of all divisions of the laboratory shall be employees of the Mississippi State Chemical Laboratory. However, all employees will have rights, privileges, and responsibilities pertaining

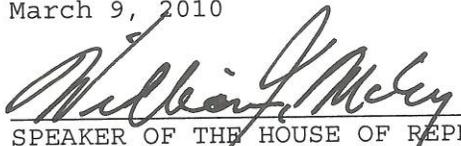
thereto, including all fringe benefits available to the general university staff. Recommendations for appointment, discharge, salaries, duties, and position titles shall be made by the State Chemist to the president of the university, whose approval shall be sufficient for all nonteaching posts. Laboratory members recommended for appointment to joint laboratory-teaching positions shall be approved in a manner customary with other university faculty or staff appointments.

SECTION 5. This act shall take effect and be in force from and after July 1, 2010.

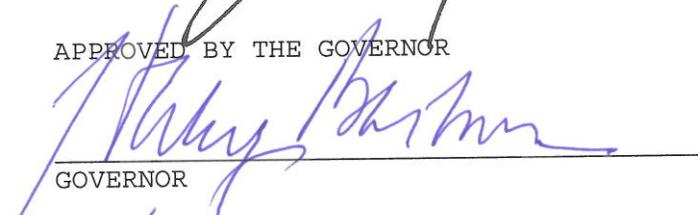
PASSED BY THE SENATE
February 9, 2010


PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES
March 9, 2010


SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR


GOVERNOR

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