

## 1 SENATE BILL NO. 237

2 INTRODUCED BY R. ARTHUN

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4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING AUTHORITY FOR TESTING AND PREVALENCE  
5 REDUCTION OF BRUCELLOSIS IN LIVESTOCK AND WILDLIFE; ESTABLISHING RESPONSIBILITY FOR  
6 TESTING COSTS; PROVIDING RULEMAKING AUTHORITY; AND PROVIDING AN IMMEDIATE EFFECTIVE  
7 DATE AND A RETROACTIVE APPLICABILITY DATE."

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9 WHEREAS, brucellosis transmission from wildlife to domestic livestock has been documented in  
10 Montana; and

11 WHEREAS, the department of livestock has implemented temporary surveillance and testing areas for  
12 cattle exposed to wildlife with brucellosis; and

13 WHEREAS, during the 2-year period since wildlife transmitted brucellosis to cattle within the designated  
14 testing areas, there have not been any cattle in the temporary surveillance and testing areas found to be carrying  
15 brucellosis; and

16 WHEREAS, data from the department of fish, wildlife, and parks shows an increase in the prevalence  
17 of brucellosis in wildlife within areas proposed by the department of livestock for continual, long-term testing of  
18 domestic livestock; and

19 WHEREAS, continual, long-term testing of domestic livestock in areas where there is a prevalence of  
20 brucellosis in wildlife is a burden on livestock producers situated within the areas.

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22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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24 NEW SECTION. **Section 1. Brucellosis testing for livestock and wildlife -- testing costs --**  
25 **rulemaking.** (1) Pursuant to 81-1-302, the administrator provided for in 81-1-301 may, upon notification that  
26 livestock in the state are infected with brucellosis, promulgate orders or regulations for an area in order to enforce  
27 brucellosis surveillance and eradication procedures for livestock.

28 (2) If the source of brucellosis transmission resulting in an order or regulation promulgated under  
29 subsection (1) is:

30 (a) wild buffalo or bison, the administrator shall enforce the provisions of 81-2-120 in a manner that

1 ensures that the risk of additional transmission from wild buffalo or bison to livestock is eliminated or minimized  
2 as much as possible; or

3 (b) from any other species of wildlife, the administrator shall, in coordination with the department of fish,  
4 wildlife, and parks, develop brucellosis surveillance and prevalence reduction procedures for the wildlife species  
5 identified as the source of transmission within the area affected.

6 (3) The department shall pay testing costs for the surveillance of livestock pursuant to subsection (1).  
7 Per capita funds as prescribed by 15-24-922 may not be used to pay these costs.

8 (4) The department of fish, wildlife, and parks shall pay testing costs for brucellosis surveillance and  
9 prevalence reduction in wildlife pursuant to subsection (2)(b).

10 (5) In promulgating any order or regulation under subsection (1), the administrator shall comply with the  
11 provisions of the Montana Administrative Procedure Act if the order or regulation requires testing of livestock for  
12 more than 1 year.

13 (6) An order or regulation promulgated under subsection (1) must:

14 (a) expire within 1 year after the last case of brucellosis in livestock is eradicated in the designated area  
15 unless:

16 (i) after using statistically sound data to evaluate the risk of brucellosis transmission to livestock, the  
17 administrator determines that the order or regulation should continue in order to protect the health of livestock  
18 in the designated area, in which case the order or regulation may be extended for up to 1 year. Subject to the  
19 requirements of this subsection (6)(a), the administrator may grant more than one extension.

20 (ii) the administrator extends an order or regulation, in which case the administrator shall review the order  
21 or regulation with livestock producers in the designated area every 6 months;

22 (b) prior to adoption, include public hearings within the area designated in the order or regulation,  
23 including the opportunity to comment by livestock producers affected by the order or regulation.

24 (7) In promulgating and reviewing an order or regulation under this section, the administrator shall  
25 coordinate with any county livestock protective committees established within the designated area pursuant to  
26 Title 81, chapter 6, part 1, regarding the requirements and duration of any order or regulation.

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28 **NEW SECTION. Section 2. Codification instruction.** [Section 1] is intended to be codified as an  
29 integral part of Title 81, chapter 2, part 1, and the provisions of Title 81, chapter 2, part 1, apply to [section 1].

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1            NEW SECTION. **Section 3. Retroactive applicability.** [This act] applies retroactively, within the  
2 meaning of 1-2-109, to any orders or regulations promulgated on or after January 1, 2011.

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4            NEW SECTION. **Section 4. Effective date.** [This act] is effective on passage and approval.

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