



AN ACT PROVIDING AUTHORITY FOR TESTING AND PREVALENCE REDUCTION OF BRUCELLOSIS IN LIVESTOCK AND WILDLIFE; ESTABLISHING RESPONSIBILITY FOR TESTING COSTS; REQUIRING REPORTING; PROVIDING RULEMAKING AUTHORITY; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE.

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

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

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

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

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

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

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

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

(a) wild buffalo or bison, the administrator shall enforce the provisions of 81-2-120 in a manner that ensures that the risk of additional transmission from wild buffalo or bison to livestock is eliminated or minimized as much as possible; or

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

(3) The department shall pay testing costs for the surveillance of livestock pursuant to subsection (1). Per capita funds as prescribed by 15-24-922 may be used to pay these costs after all other funds appropriated to the department for the payment of testing costs have been expended.

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

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

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

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

(i) after examination of brucellosis surveillance and prevalence reduction information acquired pursuant to subsection (2)(a) or (2)(b), the administrator determines that the order or regulation should continue in order to protect the health of livestock in the designated area, in which case the order or regulation may be extended for up to 1 year. Subject to the requirements of this subsection (6)(a), the administrator may grant more than one extension.

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

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

(7) During a review required under subsection (6)(a)(ii), the administrator shall communicate with livestock producers about:

(a) any need for continued testing and surveillance of livestock;

- (b) any changes to herd management plans; and
- (c) the status and progress the department is making in addressing:
 - (i) the source of the disease transmission; and
 - (ii) the disease in wildlife.

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

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

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

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

- END -

I hereby certify that the within bill,
SB 0237, originated in the Senate.

Secretary of the Senate

President of the Senate

Signed this _____ day
of _____, 2011.

Speaker of the House

Signed this _____ day
of _____, 2011.

SENATE BILL NO. 237

INTRODUCED BY R. ARTHUN, WAGNER, ZINKE, CLARK, MURPHY, KERNS, DE. BARRETT, HUTTON,
SALOMON, HARRIS, BROWN, STEINBEISSER, BRENDEN, JONES, R. RIPLEY

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