

1 HOUSE BILL NO. 312

2 INTRODUCED BY A. REDFIELD

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 (b) any changes to herd management plans; and

17 (c) the status and progress the department is making in addressing:

18 (i) the source of the disease transmission; and

19 (ii) the disease in wildlife.

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

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24 **NEW SECTION. Section 2. Codification instruction.** [Section 1] is intended to be codified as an
25 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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27 **NEW SECTION. Section 3. Effective date.** [This act] is effective on passage and approval.

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29 **NEW SECTION. Section 4. Retroactive applicability.** [This act] applies retroactively, within the
30 meaning of 1-2-109, to any orders or regulations promulgated on or after January 1, 2011.

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