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SB BILL NO. 183

INTRODUCED BY Thomas Knox Brady Hestel Crissman  
Cole

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE REGULATION OF BRUCELLOSIS VACCINATION THROUGH THE DEPARTMENT OF LIVESTOCK'S PRESENT ADMINISTRATIVE RULEMAKING AUTHORITY RATHER THAN BY STATUTE BY ELIMINATING THE PRESENT BRUCELLOSIS VACCINATION STATUTES; AND REPEALING SECTIONS 81-2-801 AND 81-2-802, MCA."

WHEREAS, the Department of Livestock has authority under section 81-2-102(1)(d), MCA, to "adopt rules and orders which it considers necessary or proper to prevent the introduction or spreading of infectious, contagious, communicable, or dangerous diseases affecting livestock in this state and to this end may adopt rules and orders necessary or proper governing inspections and tests of livestock intended for importation into this state before it may be imported into this state"; and

WHEREAS, the Department's rulemaking authority under section 81-2-102(1)(e), MCA, allows it to "adopt rules and orders which it considers necessary or proper for the inspection, testing, and quarantine of all livestock imported into this state"; and

WHEREAS, the statutes regarding brucellosis vaccination of imported livestock do not provide the Department sufficient flexibility to address the many contingencies and situations that may arise concerning control of brucellosis, which can more effectively be addressed through the administrative process pursuant to the Department's current rulemaking authority in section 81-2-102, MCA.

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

NEW SECTION. Section 1. Repealer. Sections 81-2-801 and 81-2-802, MCA, are repealed.

-END-

APPROVED BY COM ON AGRICULTURE,  
LIVESTOCK & IRRIGATION

SENATE BILL NO. 183

INTRODUCED BY MESAROS, KNOX, GRADY, HERTEL, CRISMORE, COLE

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE REGULATION OF BRUCELLOSIS VACCINATION THROUGH THE DEPARTMENT OF LIVESTOCK'S PRESENT ADMINISTRATIVE RULEMAKING AUTHORITY ~~RATHER THAN BY STATUTE BY ELIMINATING~~ SUSPENDING THE PRESENT BRUCELLOSIS VACCINATION STATUTES; ~~AND REPEALING SECTIONS 81-2-801 AND 81-2-802, MCA UNTIL OCTOBER 1, 1999; AMENDING SECTION 81-2-801, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."~~

WHEREAS, the Department of Livestock has authority under section 81-2-102(1)(d), MCA, to "adopt rules and orders which it considers necessary or proper to prevent the introduction or spreading of infectious, contagious, communicable, or dangerous diseases affecting livestock in this state and to this end may adopt rules and orders necessary or proper governing inspections and tests of livestock intended for importation into this state before it may be imported into this state"; and

WHEREAS, the Department's rulemaking authority under section 81-2-102(1)(e), MCA, allows it to "adopt rules and orders which it considers necessary or proper for the inspection, testing, and quarantine of all livestock imported into this state"; and

WHEREAS, the statutes regarding brucellosis vaccination of imported livestock do not provide the Department sufficient flexibility to address the many contingencies and situations that may arise concerning control of brucellosis, which can more effectively be addressed through the administrative process pursuant to the Department's current rulemaking authority in section 81-2-102, MCA.

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

~~NEW SECTION. Section 1. Repealer. Sections 81-2-801 and 81-2-802, MCA, are repealed.~~

SECTION 1. SECTION 81-2-801, MCA, IS AMENDED TO READ:

"81-2-801. **Required brucellosis vaccination.** (1) Except as provided in subsections (2) and (3), beginning October 1, 1999, no female cattle over the age of 4 months may be imported into the state of Montana for any purpose other than immediate slaughter unless they have been officially vaccinated, by

1 a licensed veterinarian approved in ~~his~~ the veterinarian's state to administer the vaccination, with a Brucella  
2 abortus vaccine approved by the veterinary biologics division, U.S. department of agriculture.

3 (2) Cattle being transported or moved through Montana with no intent to unload in the state are  
4 exempt from this section. In an emergency situation they may be unloaded in compliance with quarantine  
5 rules promulgated by the department of livestock pursuant to 81-2-102.

6 (3) Cattle ~~which~~ that have been spayed are exempt from subsection (1)."  
7

8 NEW SECTION. SECTION 2. EFFECTIVE DATE. [THIS ACT] IS EFFECTIVE ON PASSAGE AND  
9 APPROVAL.  
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-END-

## 1 SENATE BILL NO. 183

2 INTRODUCED BY MESAROS, KNOX, GRADY, HERTEL, CRISMORE, COLE

3  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE REGULATION OF BRUCELLOSIS  
 5 VACCINATION THROUGH THE DEPARTMENT OF LIVESTOCK'S PRESENT ADMINISTRATIVE RULEMAKING  
 6 AUTHORITY ~~RATHER THAN BY STATUTE BY ELIMINATING~~ SUSPENDING THE PRESENT BRUCELLOSIS  
 7 VACCINATION STATUTES; ~~AND REPEALING SECTIONS 81-2-801 AND 81-2-802, MCA UNTIL OCTOBER~~  
 8 1, 1999; AMENDING SECTION 81-2-801, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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 10 WHEREAS, the Department of Livestock has authority under section 81-2-102(1)(d), MCA, to  
 11 "adopt rules and orders which it considers necessary or proper to prevent the introduction or spreading of  
 12 infectious, contagious, communicable, or dangerous diseases affecting livestock in this state and to this  
 13 end may adopt rules and orders necessary or proper governing inspections and tests of livestock intended  
 14 for importation into this state before it may be imported into this state"; and

15 WHEREAS, the Department's rulemaking authority under section 81-2-102(1)(e), MCA, allows it  
 16 to "adopt rules and orders which it considers necessary or proper for the inspection, testing, and quarantine  
 17 of all livestock imported into this state"; and

18 WHEREAS, the statutes regarding brucellosis vaccination of imported livestock do not provide the  
 19 Department sufficient flexibility to address the many contingencies and situations that may arise concerning  
 20 control of brucellosis, which can more effectively be addressed through the administrative process pursuant  
 21 to the Department's current rulemaking authority in section 81-2-102, MCA.

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

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 27 SECTION 1. SECTION 81-2-801, MCA, IS AMENDED TO READ:

28 "81-2-801. Required brucellosis vaccination. (1) Except as provided in subsections (2) and (3),  
 29 beginning October 1, 1999, no female cattle over the age of 4 months may be imported into the state of  
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