

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO. _____

Brucellosis management program.

Sponsored by: Joint Agriculture, State and Public Lands
and Water Resources Interim Committee

A BILL

for

1 AN ACT relating to agriculture and animals; modifying the
2 brucellosis management program; providing for spaying of
3 heifers and other management practices; authorizing
4 rulemaking; providing an appropriation; and providing for
5 an effective date.

6

7 *Be It Enacted by the Legislature of the State of Wyoming:*

8

9 **Section 1.** W.S. 11-19-407 is amended to read:

10

11 **11-19-407. Brucellosis management program.**

12

1 (a) The livestock board shall develop a brucellosis
2 ~~testing-management~~ program which may be conducted with the
3 help of veterinary practitioners and livestock auction
4 markets. This program shall provide for the testing,
5 spaying of heifers and other management of livestock ~~for~~
6 ~~brucellosis~~ only to the extent that may be reasonably
7 necessary to maintain or to regain the brucellosis-free
8 status of the state of Wyoming.

9

10 (b) The compensation for brucellosis surveillance
11 testing or spaying shall be paid at not less than three
12 dollars and fifty cents (\$3.50) per head and not more than
13 eight dollars (\$8.00) per head of cattle actually tested or
14 spayed. Compensation for brucellosis testing or spaying
15 may include the purchase of brucellosis testing equipment,
16 supplies and postage.

17

18 (c) Payments under subsection (b) of this section
19 shall be made monthly directly to accredited veterinarians
20 who perform brucellosis testing, spaying and surveillance
21 planning or to livestock auction markets that use their
22 facilities and veterinarians to conduct brucellosis testing
23 ~~as mandated by rule~~ or spaying to comply with brucellosis

1 rules of the Wyoming livestock board or the United States
2 department of agriculture animal plant and health
3 inspection service. The payment shall be made upon
4 submission to the Wyoming livestock board of a notarized
5 invoice indicating the number of head tested or spayed, the
6 ownership of the animals tested or spayed and the ~~testing~~
7 location of the testing or spaying.

8
9 (d) In addition to payments under subsection (b) of
10 this section, payments may be made directly to the owner of
11 livestock for fencing, feed and other preventive activities
12 undertaken for the purpose of keeping cattle separated from
13 elk in areas of high brucellosis prevalence in elk,
14 provided that such payments shall be made only when:

15
16 (i) The activity is undertaken to comply with a
17 quarantine order of the Wyoming state veterinarian; or

18
19 (ii) The activity is pursuant to the terms of a
20 livestock herd plan that has been entered into with the
21 Wyoming state veterinarian.

22 **[Staff Note: Payments directly to an individual producer**
23 **may raise constitutional issues unless a public benefit can**

1 be shown. The Attorney General's office will be submitting
2 a memorandum regarding the constitutional issue.]

3
4 (e) The payment under subsection (d) of this section
5 shall be made upon completion of the fence, purchase of the
6 feed or upon completion of other preventive activity and
7 upon submission to the Wyoming livestock board of a
8 notarized invoice for materials or labor, including the
9 location and length of the fence, the amount of feed and a
10 description of the preventative activity.

11
12 (f) The Wyoming livestock board may promulgate rules
13 it deems necessary for the implementation of this section.

14
15 **Section 2.** There is appropriated seven hundred fifty
16 thousand dollars (\$750,000.00) from the general fund to the
17 Wyoming livestock board. This appropriation shall be for
18 the period beginning with the effective date of this act
19 and ending June 30, 2010. This appropriation shall only be
20 expended for the purpose of conducting brucellosis
21 management activities. Notwithstanding any other provision
22 of law, this appropriation shall not be transferred or
23 expended for any other purpose and any unexpended,

1 unobligated funds remaining from this appropriation shall
2 revert as provided by law on June 30, 2010. This
3 appropriation shall not be included in the Wyoming
4 livestock board's 2011-2012 standard biennial budget
5 request.

6

7 **Section 2.** This act is effective July 1, 2009.

8

9

(END)