



## Notice of Intent to Adopt Rules

A copy of the proposed rules may be obtained at <https://rules.wyo.gov>

Revised June 2020

<b><u>1. General Information</u></b>			
a. Agency/Board Name*			
b. Agency/Board Address		c. City	d. Zip Code
e. Name of Agency Liaison		f. Agency Liaison Telephone Number	
g. Agency Liaison Email Address			
h. Date of Public Notice		i. Comment Period End Date	
j. Public Comment URL or Email Address:			
k. Program			
Amended Program Name (if applicable):			
* <input type="checkbox"/> By checking this box, the agency is indicating it is exempt from certain sections of the Administrative Procedure Act including public comment period requirements. Please contact the agency for details regarding these rules.			
<b><u>2. Legislative Enactment</u></b> For purposes of this Section 2, "new" only applies to regular non-emergency rules promulgated in response to a Wyoming legislative enactment not previously addressed in whole or in part by prior rulemaking and does not include rules adopted in response to a federal mandate.			
a. Are these non-emergency regular rules new as per the above description and the definition of "new" in Chapter 1 of the Rules on Rules?			
<input type="checkbox"/> No. <input type="checkbox"/> Yes. If the rules are new, please provide the Legislative Chapter Numbers and Years Enacted (e.g. 2015 Session Laws Chapter 154):			
<b><u>3. Rule Type and Information</u></b> For purposes of this Section 3, "New" means an emergency or regular rule that has never been previously created.			
a. Provide the Chapter Number, Title and Proposed Action for Each Chapter. Please use the "Additional Rule Information" form to identify additional rule chapters.			
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed	
Amended Chapter Name (if applicable):			
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed	
Amended Chapter Name (if applicable):			
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed	
Amended Chapter Name (if applicable):			
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed	
Amended Chapter Name (if applicable):			
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed	
Amended Chapter Name (if applicable):			

**4. Public Comments and Hearing Information**

a. A public hearing on the proposed rules has been scheduled.  No.  Yes. Please complete the boxes below.

Date:	Time:	City:	Location:
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b. What is the manner in which interested persons may present their views on the rulemaking action?

By submitting written comments to the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: \_\_\_\_\_

A public hearing will be held if requested by 25 persons, a government subdivision, or by an association having not less than 25 members. Requests for a public hearing may be submitted:

To the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: \_\_\_\_\_

c. Any person may urge the Agency not to adopt the rules and request the Agency to state its reasons for overruling the consideration urged against adoption. Requests for an agency response must be made prior to, or within thirty (30) days after adoption, of the rule, addressed to the Agency and Agency Liaison listed in Section 1 above.

**5. Federal Law Requirements**

a. These rules are created/amended/revoked to comply with federal law or regulatory requirements.  No.  Yes. Please complete the boxes below.

Applicable Federal Law or Regulation Citation:
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Indicate one (1):

The proposed rules meet, but do not exceed, minimum federal requirements.

The proposed rules exceed minimum federal requirements.

Any person wishing to object to the accuracy of any information provided by the Agency under this item should submit their objections prior to final adoption to:

To the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: \_\_\_\_\_

**6. State Statutory Requirements**

a. Indicate one (1):

The proposed rule change *MEETS* minimum substantive statutory requirements.

The proposed rule change *EXCEEDS* minimum substantive statutory requirements. Please attach a statement explaining the reason that the rules exceed the requirements.

b.  The Agency has completed a takings assessment as required by W.S. 9-5-304. A copy of the assessment used to evaluate the proposed rules may be obtained:

By contacting the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: \_\_\_\_\_

**7. Additional APA Provisions**

a. Complete all that apply in regards to uniform rules:

These rules are not impacted by the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j).

The following chapters do not differ from the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j):

\_\_\_\_\_ (Provide chapter numbers)

These chapters differ from the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j) (see Statement of Principal Reasons).

\_\_\_\_\_ (Provide chapter numbers)

b. Checklist

The Statement of Principal Reasons is attached to this Notice and, in compliance with *Tri-State Generation and Transmission Association, Inc. v. Environmental Quality Council*, 590 P.2d 1324 (Wyo. 1979), includes a brief statement of the substance or terms of the rule and the basis and purpose of the rule.

If applicable: In consultation with the Attorney General's Office, the Agency's Attorney General representative concurs that strike and underscore is not required as the proposed amendments are pervasive (Chapter 3, *Types of Rules Filings*, Section 1, Proposed Rules, of the Rules on Rules).

**8. Authorization**

a. I certify that the foregoing information is correct.

<i>Printed Name of Authorized Individual</i>	
<i>Title of Authorized Individual</i>	
<i>Date of Authorization</i>	

## **Statement of Principal Reasons**

### **Wyoming Livestock Board Chapter 25 Rules: Brucellosis Quarantine Mitigation Expense Reimbursement**

The Wyoming Livestock Board is proposing amendments to its Chapter 25 rules governing expense reimbursement for Wyoming ranchers in the event of a state-directed Brucellosis quarantine. Brucellosis is an infectious disease of animals and humans caused by the bacterium *Brucella abortus*, and causes abortion and infertility in cattle. If state surveillance testing finds an animal within a Wyoming cattle herd positive for Brucellosis, the Wyoming State Veterinarian and USDA APHIS Veterinary Services representative may consult and quarantine the herd. This quarantine may result in unplanned costs for the rancher, for which the rancher may seek reimbursement from the Board.

The Board is proposing amendments to the definition of Affected Herd Management Plan that remove unnecessary language and clarify that the plan incorporates requirements for the release of a quarantine. The other amendments are technical corrections.

**Chapter 25**  
**Brucellosis Quarantine Mitigation Expense Reimbursement**

**Section 1. Authority to Create Rules.** The following rules are promulgated pursuant to Wyoming Statutes §§ 11-19-103(k) and 11-19-118(e).

**Section 2. Definitions Used in Rules.**

(a) “Affected Herd Management Plan” means a written document jointly approved and signed by the Wyoming State Veterinarian, USDA APHIS VS AVIC, and the affected Herd owner or manager, outlining the practices the affected Herd owner or manager will implement to eliminate Brucellosis infection from the Herd and that incorporates the requirements for the release of a Quarantine.

(b) “Brucellosis” means an infectious disease of animals and humans caused by *Brucella abortus*.

(c) “Mitigation Efforts” means the management efforts a herd owner or manager must take to minimize the risk of Brucellosis spreading from an affected herd while that herd is under state Quarantine and an Affected Herd Management Plan.

(d) “Qualified Expenses” means expenses that a herd owner incurs while the herd owner’s herd is under Quarantine and an Affected Herd Management Plan and that would not otherwise be incurred during the course of normal herd management.

(e) “Quarantine” means an official document issued by the State Veterinarian or his authorized representative that restricts the movement of specific Bovinae affected with or exposed to Brucellosis and that sets forth the requirements for Quarantine release.

**Section 3. Claim Process.**

(a) To make a claim for reimbursement of Qualified Expenses, the owner of the Quarantined herd must complete and submit the Board’s application form to the Board’s office at any time during the Quarantine or within 30 days after release from Quarantine for reimbursement of Qualified Expenses.

(b) A herd owner may file only one claim per Quarantine.

(c) The application must be accompanied by all necessary supporting documentation, including:

- (i) Receipts for Qualified Expenses for Mitigation Efforts;
- (ii) A description of actual Mitigation Efforts conducted;

(iii) Receipts for the costs of shipping or transportation specifically required to comply with the Quarantine;

(iv) Receipts for mileage expenses charged to the herd owner by an accredited veterinarian for tests conducted as part of the Affected Herd Management Plan;

(v) Verification of loss due to injury of cattle during required testing;

(vi) Receipts for extra labor and food provision for testing crews; and

(vii) Documentation of previous management history.

(d) The State Veterinarian will consider claims on a first-filed, first-served basis.

(e) The State Veterinarian will verify that the applicant is in compliance with all state and federal animal health and brand inspection rules and conditions outlined in the Quarantine and the Affected Herd Management Plan. Only herd owners who are in compliance are qualified to receive reimbursement.

(f) The State Veterinarian and the Board's Director will determine whether each expense listed on the application form is a Qualified Expense and whether each expense is supported by the required documentation. If they cannot agree, the State Veterinarian will ask the Board to make a determination on the disputed expense.

(g) The State Veterinarian will approve, partially approve, or reject a claim within 30 days of receiving all of the required documentation and will provide written reasons for his decision. However, if the State Veterinarian asks the Board to make a determination on a disputed expense, he shall approve, partially approve, or reject the claim within 30 days of the Board's determination. A copy of the application form and all documentation and the State Veterinarian's decision will be presented to the State Auditor's Office and the claimant and kept on file in the Board's Cheyenne office in accordance with the Board's retention schedule.

(h) A herd owner may appeal the State Veterinarian's decision on his claim to the Board in accordance with W.S. § 11-19-103(g).

## Chapter 25 Brucellosis Quarantine Mitigation Expense Reimbursement

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### **Section 2. Definitions Used in Rules.**

(a) “Affected Herd Management Plan” ~~means a herd management and testing plan that is:~~ means a written document jointly approved and signed by the Wyoming State Veterinarian, USDA APHIS VS AVIC, and affected Herd owner or manager, outlining the practices the affected Herd owner or manager will implement to eliminate Brucellosis infection from the Herd and that incorporates the requirements for the release of a Quarantine.

~~(i) — Designed by the State Veterinarian, the herd owner, the herd owner's veterinarian if requested by the herd owner, and the United States Department of Agriculture, Animal and Plant Health Inspection Service (APHIS) Veterinary Services (VS) representative;~~

~~(ii) — Used to determine the disease status of animals in the herd;~~

~~(iii) — Used to control and eradicate Brucellosis within the herd; and~~

~~(iv) — Jointly approved by the State Veterinarian and the APHIS Area Veterinarian in Charge.~~

(b) “Brucellosis” means an infectious disease of animals and humans caused by *Brucella abortus*.

(c) “Mitigation Efforts” means the management efforts a herd owner or manager must take to minimize the risk of Brucellosis spreading from an affected herd while that herd is under state Quarantine and an Affected Herd Management Plan.

(d) “Qualified Expenses” means expenses that a herd owner incurs while the herd owner’s herd is under Quarantine and an Affected Herd Management Plan and that would not otherwise be incurred during the course of normal herd management.

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  - (vi) Receipts for extra labor and food provision for testing crews; and
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- (d) The State Veterinarian will consider claims on a first-filed, first-served basis.
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