



**MONTANA
ADMINISTRATIVE
REGISTER**



DEPARTMENT OF LIVESTOCK

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2025-18.1

Summary

Amendment of ARM 32.3.435 pertaining to testing within the DSA

No Hearing Scheduled

If the agency receives requests for a public hearing on the proposed rulemaking from either 10 percent or 25, whichever is less, of the persons directly affected by the proposed rulemaking; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register.

The estimated number of persons directly affected by the proposed rulemaking is 450.

Comments

Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to the contact information listed below. If persons who are directly affected by the proposed action wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing in writing to the contact information listed below. Comments must be received by Monday, April 28, 2025, at 5:00 p.m.

Accommodations

The agency will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. Requests must be made by Monday, April 7, 2025, at 5:00 p.m.

Contact

Lindsey Simon, Department of Livestock
(406) 444-7631
MDOLcomments@mt.gov
TTY: (800) 253-4091
Fax: (406) 444-4316

Rulemaking Actions

AMEND

The rule proposed to be amended is as follows, stricken matter interlined, new matter underlined:

32.3.435 TESTING WITHIN THE DSA

- (1) Cattle or domestic bison located within the DSA must have an official brucellosis test ~~within 30 days~~ prior to leaving the DSA or changing ownership, except:
 - (a) steers or spayed heifers;
 - (b) sexually intact animals less than 12 months of age for feeding;
 - (c) animals moving to an approved Montana livestock market that will be tested at the market prior to sale;
 - (d) animals destined for exhibition or veterinary care within the DSA that will not be commingled with other livestock, will remain in confinement for the duration of the event/treatment, and will depart within 10 days of arrival; or
 - (e) animals utilizing the DSA during the low-risk period (entering the DSA after July 15 and leaving prior to ~~February~~ January 15).
- (2) A The test required in (1) must be completed within 30 days prior to leaving the DSA, except that a test completed July August 16 or after is acceptable for movement out of the DSA or change of ownership through February 15 of the following year.

(3) and (4) remain the same.

Authorizing statute(s): 81-2-102, 81-2-103, 81-2-104, MCA

Implementing statute(s): 81-2-101, 81-2-102, 81-2-103, 81-2-104, 81-2-111, MCA

Reasonable Necessity Statement

The department proposes to amend the above-stated rule to correct a previous rule change that failed to accurately list the low-risk period for wildlife spillover transmission of brucellosis to livestock within the Designated Surveillance Area (DSA). The extended test validity period is 30 days later than the low-risk period, and thus the amendment corrects that date range as well.

Small Business Impact

Pursuant to 2-4-111, MCA, the agency has determined that the rule changes proposed in this notice will not have a significant and direct impact upon small businesses.

Bill Sponsor Notification

The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

Interested Persons

The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, email, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Written requests may be mailed or delivered to the contact person listed in this notice or may be made by completing a request form at any rules hearing held by the agency.

Rule Reviewer

Lindsey Simon, Legal Counsel

Approval

Michael Honeycutt, Executive Officer