



Certification Page Regular and Emergency Rules

Revised July 2019

Emergency Rules (Complete Sections 1-3 and 5-6)

Regular Rules

1. General Information

a. Agency/Board Name Livestock Board			
b. Agency/Board Address 1934 Wyott Drive		c. City Cheyenne	d. Zip Code 82002
e. Name of Agency Liaison Dr. Jim Logan, DVM, State Veterinarian		f. Agency Liaison Telephone Number 307-777-6443	
g. Agency Liaison Email Address jim.logan@wyo.gov		h. Adoption Date July 16, 2020	
i. Program General Agency, Board or Commission Rules			

2. Legislative Enactment

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 or regular rules new as per the above description and the definition of "new" in Chapter 1 of the Rules on Rules?

No. Yes. If the rules are new, please provide the Chapter Numbers and Years Enacted (e.g. 2015 Session Laws Chapter 154): **2020 Session Laws Chapter 94**

3. Rule Type and Information

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: 25	Chapter Name: Brucellosis Quarantine Mitigation Expense Reimbursement	<input checked="" type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
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Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed

* If the name of a chapter of rules is changing, please only provide the NEW chapter name on this rules certification form.

4. Public Notice of Intended Rulemaking

a. Notice was mailed 45 days in advance to all persons who made a timely request for advance notice. No. Yes. N/A

b. A public hearing was held on the proposed rules. No. Yes. Please complete the boxes below.

Date:	Time:	City:	Location:


5. Checklist

a. For regular rules, the Statement of Principal Reasons is attached to this Certification 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

b. For emergency rules, the Memorandum to the Governor documenting the emergency, which requires promulgation of these rules without providing notice or an opportunity for a public hearing, is attached to this Certification.

6. Agency/Board Certification

The undersigned certifies that the foregoing information is correct. By electronically submitting the emergency or regular rules into the Wyoming Administrative Rules System, the undersigned acknowledges that the Registrar of Rules will review the rules as to form and, if approved, the electronic filing system will electronically notify the Governor's Office, Attorney General's Office, and Legislative Service Office of the approval and electronically provide them with a copy of the complete rule packet on the date approved by the Registrar of Rules. The complete rules packet includes this signed certification page; the Statement of Principal Reasons or, if emergency rules, the Memorandum to the Governor documenting the emergency; and a strike and underscore copy and clean copy of each chapter of rules.

Signature of Authorized Individual	
Printed Name of Signatory	Mark Eisele
Signatory Title	Board President
Date of Signature	July 16, 2020

7. Governor's Certification

I have reviewed these rules and determined that they:

- 1. Are within the scope of the statutory authority delegated to the adopting agency;
- 2. Appear to be within the scope of the legislative purpose of the statutory authority; and, if emergency rules,
- 3. Are necessary and that I concur in the finding that they are an emergency.

Therefore, I approve the same.

Governor's Signature	
Date of Signature	



Wyoming Livestock Board

"To represent and serve Wyoming's livestock industry through protecting livestock health and verifying livestock ownership"

1934 Wyoott Drive, Cheyenne, Wyoming 82002-0051
Phone: (307) 777-7515 ■ Fax: (307) 777-6561 ■ Web Site: <http://wlsb.state.wy.us>



Mark Gordon
Governor

Jim Logan, DVM-State Veterinarian

Steve True
Director-Chief Executive Officer

To: Honorable Mark Gordon, Governor

From: State Veterinarian, Dr. Jim Logan

Subject: Proposed Emergency Rules for Brucellosis Quarantine Mitigation Expense Reimbursement – Chapter 25

Date: July 20, 2020

Priority: **HIGH** – Deadline for response is August 3, 2020

Summary: 2020 Session Laws Chapter 94 (W.S. § 11-19-103(k)) requires the Wyoming Livestock Board to promulgate rules for reimbursing producers for extraordinary expenses incurred while a cattle or domestic bison herd is under quarantine for Brucellosis. The proposed rules explain the claim process for producers to request reimbursement from the state and identifies qualifying expenses. The Board respectfully requests that you approve these rules as emergency rules because the Board might receive claims for reimbursement for herds quarantined for Brucellosis before the regular rule promulgation process can be completed. The Board has also submitted a regular rulemaking packet with the exact same rules asking for your permission to proceed to public comment.

Agency Contact Name: Jim Logan
Agency Contact Phone: 307-857-4140
Agency Contact Email: jim.logan@wyo.gov

Board Members

Mark Eisele
Cheyenne
President

Shaun Sims
Evanston
Vice President

Todd Heward
Shirley Basin

Laurie Boner
Glenrock

Warren Crawford,
DVM
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Martin Mercer
Hyattville

Kirby Camino
Buffalo

Chapter 25

Brucellosis Quarantine Mitigation Expense Reimbursement

Emergency rules are in effect no longer than 120 days after filing with the Registrar of Rules.

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 herd management and testing plan that is:

(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 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 one of the Board's

offices 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(s).
- (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 disputed expense(s), 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).

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