



Montana Board of Livestock Meeting Minutes

(This Meeting was Virtual for the Public)

July 22, 2020

MT Department of Livestock Board Room #319
301 N. Roberts, Helena, Montana

Board Members Present

Brett DeBruycker, Chairman (cattle producer) Nina Baucus (cattle producer)
Lila Taylor (cattle producer) Wendy Palmer (cattle producer)
Sue Brown (dairy and poultry) Gilles Stockton (sheep producer)

(Ed Waldner was not present. Sue Brown attended the meeting virtually)

Staff Present

Mike Honeycutt, EO Donna Wilham, Adm. Assistant to EO
Brian Simonson, Deputy EO Dr. Marty Zaluski, State Veterinarian
Evan Waters, Centralized Services Dr. Tahnee Szymanski, Animal Health
Dan Olson, Centralized Services Dr. Gregory Juda, MT VDL Director
George Edwards, Livestock Loss Board Dr. Emily Kaleczyc, Meat & Poultry Insp.
Chad Lee, Milk Control Bureau Gary Hamel, Meat & Poultry Inspection
Ethan Wilfore, Brands Administrator

Public Present

Rachel Cone, Montana Farm Bureau Federation
Jim Brown, Montana Woolgrowers Association
Rob Stutz, Legal Services Division
John Steuber, USDA-APHIS Wildlife Services
Travis Lowe, NAEBA
Anne Miller, Montana Pork Producers Council

MEETING CALLED TO ORDER

8:03 AM

Chairman Brett DeBruycker called the meeting to order at 8:03 AM

BOARD OF LIVESTOCK ROLL CALL

8:03 AM

Chairman Brett DeBruycker called for a roll call of all BOL members present and of any staff present in the conference room:

- All BOL members were present in the conference room except for Sue Brown, who was participating in the meeting virtually, and Ed Waldner, who was not in attendance at the meeting
- Mike Honeycutt, Executive Officer, was present in the conference room

BOARD APPROVAL OF BOL MEETING MINUTES AND ADMINISTRATIVE CONSENT AGENDA ITEMS

8:04 AM

Nina Baucus requested that the Consent Agenda Bureau Report from the Veterinary Diagnostic Lab (VDL) be removed for discussion later in the meeting

MOTION/VOTE

8:04 AM

Lila Taylor moved to approve the Board Administrative Consent Items, including Bureau Reports for the Livestock Loss Board, Meat & Poultry Inspection Bureau, Milk Control Bureau, Milk & Egg Bureau, and the minutes for the June 23, 2020 BOL meeting. Wendy Palmer seconded. The motion passed.

8:05 AM – DISCUSSION REGARDING BOL MEETING MINUTES

The BOL members discussed various ways to improve the BOL meeting minutes:

- With audio difficulties experienced in some of the previous BOL ZOOM meetings, it was requested that BOL members making motions identify themselves
- It was suggested that minutes of the BOL meeting be time stamped so that a person could find and listen to a specific portion of the meeting online
- Even if portions of the meeting were time stamped, it was requested that motions made be written out completely and not just time stamped
- It was requested that if there was significant discussion regarding a motion, that particular discussion be written out
- Mr. Honeycutt said that legally, meeting minutes are not allowed to take any editorial license with someone's public comment, and he had no doubt that those comments must be written exactly as the person said them
- It was suggested that before any decision was made on changing the format of the BOL meeting minutes, that legal counsel should be sought out to find out exactly what legally needs to be listed on record
- Since a Legislative decision was made in 2015 regarding BOL meetings, audio and/or video had been posted on the BOL website of those meetings and written minutes for BOL meetings had been kept since the BOL's beginning
- Brett DeBruycker said he would think that the goal would be that starting with the next BOL meeting that the BOL minutes follow along the lines of the Environmental Quality Council (EQC) and the Legislature

NEW BUSINESS

8:22 AM

8:22 AM – UPCOMING EVENTS

Upcoming events that the DOL had been asked to participate in were discussed:

- **Montana Stockgrowers Association Mid-Year Meeting**
 - Mike Honeycutt said that he would be participating in the MSGA Mid-Year meeting, scheduled for August 19th, where he plans to give a proposed new Lab update
- **Environmental Quality Council (EQC)**
 - Meetings for the EQC are scheduled for July 29-30 and September 9-10
 - Dr. Greg Juda was on the July 30th schedule to talk about the VDL's readiness to do CWD testing
 - Mike Honeycutt said he was still attempting to compile proposed new Lab proposals for presentation to the Legislature and he hoped to get on the EQC's September agenda to preview those proposals
- **Economic Affairs Interim Committee**
- The Economic Affairs Interim Committee meeting, scheduled for September 10th, is when they will hear the DOL's Legislative proposals and make a decision on whether or not those proposals will get to a higher order of priority in the bill drafting process
- **Montana Farm Bureau Federation Annual Meeting**
 - The DOL had secured trade show booth space at the Montana Farm Bureau Federation's annual meeting, scheduled for November 9-12
 - The secured trade show booth space will help the DOL to engage with the public strongly on rerecord. Rerecord materials will also be available
- **Request for Information on Other Upcoming Organizational State Meetings**
 - Other upcoming meetings mentioned were Cattlemen's Day and the Montana Woolgrowers Association annual meeting. It was requested that the BOL be given a heads up for upcoming meetings the DOL is involved in
 - Mike Honeycutt said that if any BOL member is active in an industry organization, he would like to attend their meetings with the active BOL member and not just attend by himself when invited

8:31 AM – SELECTION OF BOARD OF LIVESTOCK VICE-CHAIR AND COMMITTEES

Chairman Brett DeBruycker announced that he had made an executive decision to hold off on selection of BOL Vice-Chair and BOL Committees until the next BOL meeting:

- It was requested that Mike Honeycutt compile a list of the current BOL committees and who is on those committees and get those to the BOL members so they can decide whether or not some of those committees should be disbanded or just fill vacant slots or fill the committees with totally new members
- As far as the Vice-Chair position, Mr. DeBruycker felt it important that new BOL members go through another meeting before making their selection for a new Vice Chairman

8:32 AM – DISCUSSION OF FEDERAL USDA COMMENT PERIOD ON RFID TAGGING RULES

The BOL discussed the USDA's decision to begin a rulemaking process requiring RFID tags as the only acceptable form of identification for interstate commerce for cattle and bison as of 2022-2023:

- According to Gilles Stockton, the USDA had last year made an announcement that there would be a requirement of RFID tags, but they were found to be in violation of the regulatory process
- Now, the rulemaking process has begun regarding the requirement of RFID tags and public comment for this USDA proposed rule is open until October 5, 2020
- Mr. Honeycutt said that if a public comment was made by the BOL regarding the proposed RFID rule, legally, it would have to be the BOL as a group taking a position and not as individuals
 - There were differing opinions from members of the BOL regarding whether or not to take a position on mandatory RFID proposed rule: (a) taking a position and commenting is a responsibility of the BOL and not taking a position could be detrimental or (b) just wait and see what happens
 - Brett DeBruycker said that the BOL should make a public comment and that a couple of BOL members should get together with the Brands and Animal Health Departments to discuss with them the way to go forward in making the comment
 - Gilles Stockton and Wendy Palmer volunteered to head up organizing a meeting regarding the BOL public comment for the proposed new RFID rule. Other BOL members were invited to attend the meeting as well. At least a rough draft of possible comments for the BOL to discuss were to be brought to the next BOL meeting
- Concern was raised regarding the need for having a brand if RFID tags were put in place as an ID requirement and the subsequent loss of brand income to the DOL if people would stop paying for a brand because they weren't needed for commerce
- It was mentioned that the RFID tags are not a perfect system of ID because of their ability to get caught on something and then pulled off the animal's ear and lost
- A tattoo in the ear was mentioned as one permanent way to mark an animal

OLD BUSINESS

8:54 AM

8:54 AM – UPDATE ON COVID-19 DEPARTMENT OF LIVESTOCK RESPONSE & CONTINUITY

Mike Honeycutt gave an update on the DOL's response to the COVID-19:

- Although around $\frac{3}{4}$ of the Helena office staff of the DOL was still in a remote structure, the 13 commission companies continue to move forward as they have sales and the Meat & Poultry Inspection Bureau staff are still providing meat

inspections, with the highest priority being in state-inspected facilities and slaughter facilities

- The Meat & Poultry Inspection Bureau has however, tried to hold off as much as possible on both custom exempt and meat depot inspections, which require just twice-a-year inspections for custom exempts and once-a-year inspections for meat depots
- Staff must be present at the egg plant, but for milk inspection, there are a certain number that only require inspection every six months. Some timeline waivers were given by the FDA on those, and now, dairy inspectors are having to get out and catch up on some of those
- For Brand Inspectors and field law enforcement staff, cattle are still needing to move and be inspected, but caution is being taken about how much people are being exposed
- Mike Honeycutt said that he had not received word from constituents or customer complaints about the inability of them to reach DOL people or get the work done that they need, but, he requested any feedback to the contrary from the BOL
- According to the Governor's directive, all public-facing staff is required to wear a face covering and signage has been posted at markets and in State offices stating that a face covering is required to come in
 - It is not the job of the DOL to enforce the face-covering directive and staff had been advised that unless someone is putting the DOL in harm's way recklessly, it is not their job to enforce or tell people what they need to do regarding masks
 - State employees had been asked to wear face coverings across the state, regardless of what the current infection rate of an area is
- Ty Thomas, Assistant Brands Administrator, had been asked to communicate to the markets regarding a sign-in sheet so that contact tracing can be done for those entering the markets
- According to the Governor's directive, a supply of face masks had been going out to DOL locations around the state so that masks can be provided to people who don't have one if they come into a DOL workspace
- The State Tribal Relations Bureau had sent a letter to USDA-FSIS asking for some leniency on meat processing during this COVID time
 - Mr. Honeycutt reported that Economic Affairs had received a response from USDA-FSIS regarding a similar letter they had sent. Their response was the same as the Governor's office received and our Senate offices received and our Congressional offices received, which is, that they don't anticipate having to change anything in their operations and don't support the current legislation at the Federal level that is out there to change some of those operations

9:03 AM – UPDATE ON PLANNING & ACTIVITY FOR POTENTIAL NEW MVDL BUILDING

9:03 AM – Update on Long-Range Building Plan (LRBP) Proposal

For the sake of the new BOL members, Mike Honeycutt gave a brief history of the MVDL:

- Back in the 50s, the very first MVDL was located in the basement of the Old Livestock Building, just south of the Capitol
- From there, in the 60s, the MVDL joined with the Marsh Lab at Montana State College in Bozeman with the hope from Montana State College that the MVDL would become part of a veterinary research laboratory. That never materialized
- In the 90s, the DOL paid for additional space at the Marsh Lab and also refurbishing of some Marsh Lab space
- In the 90s and 2000s, it was questioned whether an MVDL was needed or not and if it would be feasible to send all samples out of state
 - In those conversations, people recognized the need to have an in-state lab and started moving forward with building a new facility or deal with the current facility
- In their 2014 review of the MVDL, the American Association of Veterinary Lab Diagnosticians (AAVLD) cited several facility issues at the MVDL and that the DOL needed to look to providing a new facility to deal with those issues and maintain accreditation
 - In their 2017 review, AAVLD stressed that the DOL, to maintain accreditation in the future, desperately needed to deal with those specific facility issues
- During the 2015 Legislative Session, conversation about the MVDL took place
- In the 2017 Legislative Session, there were a group of Legislators that had intent to defund and close the MVDL during that session, but after comments from producers, the Legislature ended up instead, putting funding into the MVDL and a Legislative Study Committee was formed to look at the MVDL
 - Through that Study Committee, consultants were hired and blueprints were made of possible scenarios for a combined Lab complex
- In the 2019 Legislative Session, another Legislative Study Committee was put together to continue work on the combined Lab complex ideas put together from the 2017 Legislative Study Committee's work
- Since 2019, the concept of a combined Lab complex has changed, with MSU Extension making other arrangements for their Labs and MVDL on a shorter timeline than the other Lab partners for action and working on their own solution
- The Board of Regents, in the last year, passed a resolution saying they would make land available at MSU in Bozeman for the MVDL provided that the Department of Agriculture Analytical Lab, currently housed in McCall Hall, would vacate their space and move elsewhere
 - The DOL has had discussions with the Department of Agriculture regarding the Analytical Lab moving and possibly sharing the proposed new MVDL building
 - Mr. Honeycutt reported that the DOL and the Governor's Office had left the door open for a couple months to the Department of Agriculture to figure out funding of the Analytical Lab if they would decide to join the MVDL in a proposed new Laboratory building at MSU in Bozeman

9:13 AM – Update on HB5 Spending through 2020

Brian Simonson gave updates on the Long-Range Building Plan (LRBP) project funded through HB5:

- The LRBP project for the proposed new MVDL had been submitted to the Architecture and Engineering Division (A&E)
 - Cost estimates for the proposed new MVDL, if constructed adjacent to the Marsh Lab on the MSU campus, is \$25 million
 - A&E feedback is that the submission is in compliance, and Mr. Simonson said that the MVDL aspect of the submission is on track to go to the Governor's Office by the October 1st deadline
 - Mike Honeycutt said that there are several Legislators who are very adamant about keeping the MVDL in Bozeman, adjacent to MSU and adjacent to the FWP Region 3 Headquarters
- With the possible addition of the Department of Agriculture Analytical Lab sharing the proposed new Lab and sharing the costs of that, the LRBP submission would have to be a combined one rather than a stand-alone one, and the DOL is working with them to come up with their dollar figures to fund their portion so a combined LRBP submission could be given to the Governor's Office by the October 1st deadline
 - It appears that adding the Analytical Lab to the LRBP proposal would add about \$9 million to the already \$25 million proposal
 - Mr. Simonson said that the DOL would be billing out any charges for changes due to the addition of the Department of Agriculture Analytical Lab
- Mr. Simonson reported that as of July 10, 2020, 75% of the \$100,000 design work funds allocated to the DOL during the 2019 Legislative session for the proposed new Lab, had been spent
- LPW Architecture, the Architectural firm hired to do the design work for the proposed new Lab, said they would be putting together 3D model renderings, design renderings and promised they would be there for any stakeholder or Legislative support needed

9:29 AM –RECESS

9:46 AM – RECONVENE

BRANDS ENFORCEMENT DIVISION

9:46 AM

9:47 AM – REVIEW PROPOSED CHANGE TO “PRESCRIBED PRACTICE FOR RECORDING, TRANSFERRING AND RERECORDING”

Ethan Wilfore requested that the BOL review and possibly change the policy of the prescribed practice for rerecording and transferring of brands which had originated in 2012 and then was modified in 2017:

- It was requested that in the Prescribed Practice for Recording, Transferring and Rerecording, under the Conflict Checking Procedures, that verbiage be added saying that “The formats below are the only acceptable brand formats.”
- The changes requested would affect the format on the brand, not the brand itself
- Existing brands that are retained, would be grandfathered in and new brand applications would be the ones affected by the requested changes
- The conflict check process does not apply to the rerecord process or the transfer of brand process, but would only apply to new brand applications
- Concern was expressed about the elimination of many brands already from the state of Montana and the elimination of even more with this proposed policy change
- Ethan Wilfore said that there was no time crunch in dealing with the proposed policy change, and so it was requested that the Brand Recorder, Ethan Wilfore and Ty Thomas give a presentation at the next BOL meeting regarding brand history and assigning of brands
- The BOL discussed whether or not a portion of the Brands policy should be eliminated regarding employee acquisition of brands
- It was requested by Mr. DeBruycker that Nina Baucus and Wendy Palmer read through the Brands policy document and report back to the BOL of any questionable verbiage or other issues that should be discussed by the BOL
- Mike Honeycutt said that in administrative rule it states that to record a brand that LLCs, LLPS, those types of partnerships, must be registered with the Secretary of State and shall be registered to get a brand
- Ethan Wilfore’s request for changes to Brands policy were tabled until the next BOL meeting awaiting a Brands Enforcement Division presentation to the BOL, awaiting Nina Baucus’ and Wendy Palmer’s review of the current policy and also to get some legal input regarding portions of it as well

10:48 AM – UPDATE ON RERECORD PLANNING

Ethan Wilfore gave an update on the Brands Enforcement Division rerecord planning:

- Rerecord packets have been scheduled to be sent out the week of December 14, 2020
- A short-term worker position will be posted in September, with hopes of that person starting in November
- Currently, Cally Goyins and Ethan Wilfore are going through the process of formalizing the workloads for rerecord that will be applied for the next 10 years
- General office preparation is taking place, preparing for rerecord
- The marketing communication plan for rerecord is pretty much wrapped up except for locking in dates
- The rerecord marketing communication plan begins in December 2020 when rerecord packets will be sent out and then a followup newspaper ad alerting producers to look for their packets will be displayed in newspapers across the state

- TV, radio, website and possible email pushes to brand owners will be other methods of advertising utilized. The email reminders are planned to be sent each month
- Roughly 40% of registered brands have an email attached
- It was suggested that District Brand Inspectors be contacted for packets returned in the mail, because they possibly know the location of those particular people
- Brett DeBruycker said that the Brands Enforcement Division needs to start gathering more data during rerecord, including cell phone numbers and email addresses for use in the future

11:03 AM – REVIEW AND APPROVAL OF AXIOM SERVICE AGREEMENT

Ethan Wilfore requested that the BOL approve the Axiom system for the 2021 rerecord:

- Mr. Wilfore said that he and Dan Olson had gone through the Axiom service agreement a couple times and there had been no significant upgrades made to it since 2011. They made updates to the agreement that were more suited to the needs of the 2021 rerecord
 - 144 service hours had been built into the old agreement at no discounted rates, and so those were replaced with an itemized list of hours needed for upgrades
- Cost of the upgraded Axiom service agreement is around \$27,000, with an estimated time to complete of 3-4 months
 - Dan Olson assured the BOL that the upgrade will be completed and set up two months prior to rerecord and so any issues that may be found can be vetted out before rerecord begins
- Dan Olson said there was flexibility to manipulate how the rerecord form looks online and that requests, such as cell phone number and email address can be made mandatory fields
 - Brett DeBruycker said that the DOL needs to get an attorney's opinion regarding the request for email and cell phone number on the rerecord form
- Mike Honeycutt explained to the BOL that when the system was procured 10 years ago, staff that was employed at that time made any changes, but, with that staff gone, Axiom will now be making the programming changes, and so the agreement being voted on by the BOL is a service agreement rather than a contract
- Dan Olson added that Axiom owns the proprietary code and the DOL owns the data and so, for anything broken code-wise, at least for the last six years he had been at the DOL, Axiom had been in on the fix and had been paid at an hourly rate

MOTION/VOTE

11:16 AM

Wendy Palmer moved to approve the Axiom Scope of Work Agreement as presented by Ethan Wilfore, at an estimated cost of \$27,468 and possibly up to \$40,003. Lila Taylor seconded. The motion passed.

- Per the request of Gilles Stockton, Dan Olson said he would do some followup with Axiom to get information that would clarify the ownership and licensing agreement portion of the agreement

11:25 AM – REVIEW LIVESTOCK MARKET REPORTS FOR FY2020

Ethan Wilfore explained the FY19 compared to FY20 market reports he had given to the BOL:

- There was a 1.6% increase in FY20 compared to FY19 for the total volume that went through the markets

11:27 AM – UPDATE ON OPEN POSITIONS

11:27 AM – Request to Hire for Ramsay Supervisor and BLS Market Inspector

Ethan Wilfore requested that the BOL approve filling the vacant Ramsey Market Supervisor position and the vacant BLS Market Inspector position:

- Mr. Wilfore reported that the Miles City Market Inspector position was filled, with that person starting on July 20, 2020
- Shawn Smith, the Market Supervisor at Ramsay put in his notice that his last day would be August 7, 2020; the BLS Market Inspector left on July 17, 2020
- Mr. Wilfore reported that the Ramsay Market Inspector position still remains vacant

MOTION/VOTE

11:28 AM

Nina Baucus moved that Ethan Wilfore be given the authority to move forward to fill the open Ramsey Supervisor position and the BLS Market Inspector position in the Brands Enforcement Division. Lila Taylor seconded. The motion passed.

- Mr. Wilfore reported that a verbal offer had been given for the Glasgow District Investigator, pending a background check and other items, including a law enforcement psych test and physical testing

11:32 AM – LEGAL COUNSEL UPDATE

11:32 AM – Legal Update from BOL Counsel, Rob Stutz

Rob Stutz updated the BOL on legal issues concerning the DOL:

- An Unfair Labor Practice (ULP) had been filed regarding, in part, a recent grievance filed by a DOL employee who is a member of the Montana Federation of Employees union. It is currently being handled by Labor Relations at the Department of Administration (DOA)
- DOA's attorney, Matt Mitchell, will be responding to the ULP. A meeting that had been scheduled on July 21st between Matt Mitchell and DOL legal counsel had been cancelled and had not yet been rescheduled

- Per Nina Baucus' request, Rob Stutz said he would take the information he had sent to Mike Honeycutt by email regarding the proper use of per capita funds and put that information on appropriate letterhead and send it to her

11:39 AM –LUNCH

12:18 PM – RECONVENE

12:18 PM – CENTRALIZED SERVICES DIVISION REPORTS

12:18 PM – PREDATOR CONTROL

12:18 PM – Update on Activities of USDA Wildlife Services

John Steuber updated the BOL on the latest activities of USDA Wildlife Services:

- Mr. Steuber said that he was working on a new 5-year agreement and an annual Work Financial Plan for the Voluntary Wolf Mitigation account between USDA Wildlife Services and the DOL
 - The account was introduced by Becky Beard and then enacted during the 2019 Legislative Session and is to be used for wolf-damage management
 - The voluntary monies for the account are collected by FWP through public purchases of licenses and then distributed by the DOL to contract with USDA Wildlife Services for wolf damage management, including, but not limited to, flight time, collaring and non-lethal control of wolves
 - Currently, the Voluntary Wolf Mitigation account is at \$46,071
- John Steuber reported that USDA Wildlife Services had done 99 investigations on reported grizzly bear depredations on livestock so far this year. Last year's total for the entire year was 157
 - So far this year, USDA Wildlife Services had confirmed killings by grizzly bears of 50 calves, 19 cattle, 4 goats, 6 lambs, 9 sheep, 4 pigs and other probables of 13 calves, 1 adult cow and 1 horse

12:21 PM – Update on Letter of Intent for Helicopter Purchase

Brian Simonson gave an update on the possible purchase of a DOL helicopter for use by Wildlife Services in their livestock depredation investigations:

- A letter of intent to purchase a used US Army helicopter had been sent and was being processed by the US Army
- Mr. Simonson said that in his conversation with an Army Program Executive Officer (PEO), he was told they had several used helicopters available, but he informed the PEO that the DOL was not planning to purchase one until next year
- Mr. Honeycutt reminded the BOL that the helicopter was put in as a new budget item that would not go into effect until July 1, 2021 in the new biennium budget, but, even with that done, the Legislature would still have to allow for that increase of authority

12:23 PM – ANIMAL HEALTH AND FOOD SAFETY DIVISION REPORTS

12:23 PM – MEAT & POULTRY INSPECTION BUREAU

12:24 PM – Administrative Rules - Recall Rule

Dr. Emily Kaleczyc reported that she had made requested changes in a proposed new Recall Rule presented at the last BOL meeting, and that she was presenting the updated version of that proposed rule for their approval:

- Language had been updated that would hopefully clarify that the recall plan should be put into effect by the establishment
 - Dr. Kaleczyc said that if a consensus is not reached by the Recall Committee, a recall cannot be recommended, but, the establishment could still choose to conduct a recall on their own
- Language was updated to clarify occasions when the DOL might issue a public health alert, but not necessarily issue a recall
- Language was updated in the reason portion of the rule to change the word “rigorous” to hopefully clarify the intent for the rule

MOTION/VOTE

12:36 PM

Wendy Palmer moved to publish the proposed new rule (MAR Notice No. 32-18-293) pertaining to Recalls, as rewritten and presented by Emily Kaleczyc. Lila Taylor seconded. The motion passed.

12:37 PM – ANIMAL HEALTH BUREAU

12:37 PM – Proposed Rule Change ARM 32.3.219, Special Requirements for Swine

Dr. Tahnee Szymanski reported that she had brought back the proposed swine rule changes from the last BOL meeting for further discussion. She also brought information regarding common diseases in swine and their incubation periods:

- Dr. Szymanski explained that the proposed rule change would alter the number of days swine have to be inspected prior to entering Montana from 10 days to 30 days
- Dr. Szymanski said 30 days is consistent with the national standard for a health certificate as well as the practices of virtually all other states and species
- Concern was raised regarding the short incubation period of some of the swine diseases listed, especially FMD, which is a 2-day incubation
- Mike Honeycutt said that there is a USDA requirement for official ID tagging on all swine moving across state lines
- Anne Miller, Executive Director of the Montana Pork Producers Council, said that her organization would support the requested change and added that she didn't see a downside to extending the time and making it uniform with other states
- Dr. Szymanski said that swine that come into the United States from Canada are not subject to any additional quarantine because they are recognized as free of

FMD, CSF, ASF, Swine Pseudorabies and vesicular disease. Swine coming into the United States from the EU are subject to a 30-day quarantine

- Dr. Szymanski said that once swine are inspected in Canada, they have 14 days to enter into the United States

MOTION/VOTE

12:41 PM

Sue Brown moved to publish the proposed new rule, MAR Notice No. 32.3.219, Special Requirements for Swine, as presented by Dr. Tahnee Szymanski. Gilles Stockton seconded. Lila Taylor, Gilles Stockton and Nina Baucus voted NO. Wendy Palmer and Sue Brown voted YES. The motion failed.

12:57 PM – NAEBA Request Regarding Interstate Brucellosis Testing Requirements

Dr. Tahnee Szymanski revisited the request from the North American Elk Breeders Association to do away with Brucellosis testing requirements for interstate movement of cervids that do not originate from a DSA, which would require a change in ARM 32.3.221, Special Requirements for Alternative Livestock:

- Travis Lowe, Executive Director of the North American Elk Breeders Association, said that this proposed rule change mirrors what other states have done in the last 6-12 months, such as Colorado, Idaho, South Dakota, Minnesota, Texas and Oklahoma
- Contrary to Mr. Lowe's comment that there were no cervid ranches in the state of Wyoming, Lila Taylor said that there is one elk farm in Wyoming and that she knows who owns it because he is her neighbor
- Mr. Lowe said that it takes extra time in the chute to hold a trophy animal or elk for not only TB testing, but for a Brucellosis test at the same time, and that gives extra time to injure the animal and also incurs an extra cost to the producer
 - Dr. Szymanski said that because TB testing is required within 90 days and Brucellosis testing within 30 days of movement, most producers complete TB testing well ahead of the required Brucellosis test
- Mr. Lowe explained that the Brucellosis rule remains a State issue and that is why his organization is working with people in different states to help make the rule change
- Dr. Szymanski said the DOL has 25+ years of testing and surveillance evidence in cervids to show that if there was Brucellosis in captive cervids outside of the GYA, it would have been detected and because of that, she feels the risk of moving that disease into Montana in an untested movement is extremely low. She added that as of right now, Montana only imports about one animal per year
- Dr. Szymanski agreed with Lila Taylor to strike out in (1) "or originate from a Brucellosis certified free herd," and have it simply say that you're gonna test if you're coming from a DSA state

MOTION/VOTE

12:58 PM

Gilles Stockton moved to publish the proposed rule changes for ARM 32.3.221, Special Requirements for Alternative Livestock, as presented by Dr. Tahnee Szymanski, with the removal of “or originate from a brucellosis certified free herd” under (1). Wendy Palmer seconded. The motion passed.

1:13 PM – Request to Hire Animal Health License Permit Technician

Dr. Tahnee Szymanski reported that one of the License Permit Technicians had given their notice because of an opportunity to go back to school and so she was requesting to backfill that position:

- Dr. Szymanski that there are three individuals classified as license permit technicians, an entry-level position, and that the one who is leaving had been in the position for probably 1 ½ years
- Dr. Szymanski said there are seven people in the Animal Health Bureau that are trained to answer phones if all three Technicians are on the other line
- Mike Honeycutt said that this person had worked with the DOL before and had returned to take the License Permit Technician position

MOTION/VOTE

1:17 PM

Lila Taylor moved to fill the vacant Animal Health License Permit Technician position. Wendy Palmer seconded. The motion passed.

1:18 PM – VETERINARY DIAGNOSTIC LABORATORY

1:19 PM – MVDL Operations Update Pulled from the Board Administrative Consent Agenda

Dr. Greg Juda discussed information listed in the MVDL Operations Update that had been pulled from the Consent Agenda that morning:

- The MVDL had been notified that it would be awarded \$131,000 from the National Animal Health Laboratory Network (NAHLN) for FY21
- The MVDL had submitted a financial plan that was approved by NAHLN, which included a thermocycler for the Molecular Diagnostics group, a slide printer, which will help in both the Histology and Pathology sections, travel of three MVDL employees to the AAVDL annual meeting and around \$10,000 in equipment service contracts
 - Mike Honeycutt said that he hadn't had a time period to talk to Dr. Juda about the current phase the State Government is in for COVID-19 regarding travel, and that is, all out-of-state travel has to be approved by the Governor, and so the out-of-state travel may not get approved until a much later phase of recovery

- The half-time Milk Lab employee had transitioned to full-time, as approved by the BOL at their last meeting, effective July 13, 2020
- The equipment install and training on the ELISA test method for CWD will be done virtually, rather than having the equipment manufacturer representative come from Georgia to do it. That virtual install and training is set to take place around the end of July or first part of August. NAHLN will then administer a proficiency test that when completed, CWD testing and the screening test with ELISA can be performed
 - There is retraining being done on the Immunohistochemical (IHC) staining assay and proficiency tests are expected to be done within the next week or two, which will mean that the MVDL will be set to do the confirmatory tests for CWD
- Dr. Juda said that he has been in constant communication with FWP, providing them with operational throughput regarding the upcoming hunting season and CWD testing
 - The MVDL is expected to do the bulk of CWD testing for FWP during the hunting season, but they will subcontract out to Colorado State University (CSU) for any excess
 - Run rate for CWD testing at the MVDL is figured to be able to perform 1800 tests per week with two to three technicians working full-time in one shift.
 - After concern from some members of the BOL was expressed, Dr. Juda said that cost of CWD testing will not truly be known until the MVDL is in a steady state of operation, but, the test fee was set to be consistent with what was being charged by CSU
- Dr. Juda said he had been in contact with Dr. Ed Hoover, one of the pioneers of the RT Quick Assay test for CWD, but currently, that assay is not approved by NAHLN or USDA for use as a diagnostic test

1:31 PM – Request to Backfill Two Lab Technician Vacancies

Dr. Greg Juda requested the BOL approve to fill two vacant Lab Technician positions:

- Positions to be filled were in Molecular Diagnostics and Virology. One position was vacated on July 17, 2020 and the other would be vacated on August 12, 2020. One was a retirement and the other was leaving to attend graduate school

MOTION/VOTE

1:33 PM

Nina Baucus moved to fill two vacant Lab Technician positions at the MVDL, one in Molecular Diagnostics and one in Virology. Lila Taylor seconded. The motion passed.

1:33 PM – MVDL FY2020 Testing Demographics Summary

The BOL discussed the chart submitted to them by Dr. Greg Juda summarizing test numbers at the MVDL by species:

- Dr. Juda explained that the chart breaks down the test income, showing percentages of that income by species as well as the test numbers and percentage statistics
- Mike Honeycutt explained that although the chart shows that 21% of the income that comes into the lab is from domestic dogs and cats, a lot of it is done in the Clinical Pathology area of the Lab and by financial analysis, that area of the MVDL has been shown to be one that loses money
 - Mr. Honeycutt said that, just like covering CWD testing fees, those user fees for non-livestock users need to be taken care of for work if general fund isn't available, as the BOL and he do not feel per capita fees should subsidize that particular work
 - As most sections of the MVDL are not able to cover costs, Mr. Honeycutt said that he believes that general fund is a good source of funding if dealing with public health and safety or with threats that come to the public from wildlife
 - Mr. Honeycutt said that the DOL has been trying to encourage pork producers to tell their out-of-state swine veterinarians to utilize the home state lab rather than the lab in the veterinarian's home state
- The BOL discussed previous problems that occurred at the MVDL in the receiving area and getting test results, before Dr. Juda was hired
 - Dr. Juda said that since he joined the MVDL, he was not aware of any complaints from a client when a sample was received, tested and not resolved, and if there was not an answer given when there was a submission, he had a major issue with that and said it would be addressed and corrected
 - Dr. Juda said that the LIMS system automatically invoices when a report for a test request is submitted to the client
 - Dr. Juda expects that with the employ of two Board-Certified pathologists, the quality of testing work being done at the MVDL should be on par with anyone's in the country

1:54 PM – RECESS

2:21 PM – RECONVENE

2:21 PM – CENTRALIZED SERVICE DIVISION REPORTS (Continued)

2:21 PM – FISCAL BUREAU

2:21 PM – HB10 Update/Report

- Dan Olson reported that he had found the original Axiom contract from 2010 and said it appears the DOL owns the software and Axiom does the maintenance or changes in code

Mr. Olson explained that the end goal of the HB10 project was to minimize the system within the DOL:

- Currently, there are six applications used throughout the DOL:
 - Two are in-house apps, that were supported by people who have since left the DOL and do not tie in with any other DOL systems
 - The goal is to get the DOL systems down to three main modules
- The Lab module – VADDS covers this
 - In progress right now and 85% complete, is moving the Milk & Egg Inspection system into VADDS, which would allow Helena staff, Lab staff and field staff to share data
- The Animal Health module – USAHerds covers this
 - A meeting was held with DOL staff and USAHerds to discuss what they could provide to the DOL, because in the last month it was found out that a current USAHerds vendor is already working with some other states that do Meat & Poultry Inspection
 - Mr. Olson said, it would be an easy lift for that to be put into the current system without having to do a full rewrite of a program to fit that in
 - USAHerds and the Federal systems keep track of both metal and RFID tag issuing data on animals, and Dr. Zaluski said Animal Health is doing their best to capture the ID on animals leaving or entering the state in compliance with USDA regulations and their benchmarks
- The Brands module – Fort Supply
 - Fort Supply runs Fast Brands and Central Office, and that runs all the markets and staff
 - Axiom will be migrated into Fort Supply and, according to Mr. Olson, that should be a pretty easy lift because almost daily, there is already migration of data with the market updates and any new brand information and liens being migrated into the Fort Supply system
 - Fort Supply also offers electronic brand inspections and Mr. Olson said that is going to be a bigger lift because the DOL does not have anything that does that currently and it will require a lot of tweaking and working with Brands staff on that
 - The DOL's current mobile brand application, Apple IOS, was developed in-house about 10 years ago, but there is no real information on how to update it, and so he is looking at getting a different mobile brand application
- The vision is to develop a customer relationship management system that would bring everything together, allowing internal and external staff and constituents to look up information, across the board
 - Security is the biggest issue to address in a customer relationship management system
- Concern was raised that nowhere in the HB10 plan is it mentioned to take Brands and marry it to the Department of Revenue to get per capita
 - Mr. Olson said that there is some difficulty when dealing with different departments and the way their systems are set up and he said he does not think the DOL could tie into the DOR, but, he hopes that the changes to be put in place in the DOL systems will at least allow easier lookup of DOR information

- Mr. Honeycutt said that the DOR has laws that say there is certain information they can't share with the DOL, even though it is another State agency, because they cannot provide information that would be used as a distribution list
- Brian Simonson said that regarding per capita, the DOL is not after people who are in the database of the DOR, because those are the people who have paid per capita, but, they are after people who are not in the DOR database
- Mr. Honeycutt said that the DOR database would help to figure out who is not paying, but in the process to figure out who is not paying, there is still going to be a manual process that must be done, because some corporations list their brand under one name, their brand inspection under another, and their per capita under another and that would have to be sorted out
- Lila Taylor said that brand rerecord is the perfect opportunity to acquire addresses to help develop a non-per capita payer list
- Dan Olson said there may be some HB10 money that could be used to look at making some kind of connection between DOR and DOL regarding per capita payers and non-payers
- Nina Baucus had questions regarding a comprehensive project management plan regarding how the \$1.3 million HB10 funds would be spent. Dan Olson said that he thought something could be put together for the next BOL meeting so it could be addressed
 - Mike Honeycutt explained that the HB10 \$1.3 million of appropriation given to the DOL was transferred to the State IT Plan, with the manager responsible for those funds being the State CIO. No expenditures in the State IT plan will be expended without the State CIO's approval
 - Dan Olson added that not only does the funding have to go through an RFP process, but an IT Procurement Request (ITPR) as well. He said he can get a rough timeline put together for the next BOL meeting of how long all of the process takes, but said because of not wanting to upset rerecord, the Brands portion is going to take longer

3:14 PM – Predator Control Aerial Hunting Allocations

Brian Simonson reported that it was time again to address the annual Predator Control aerial hunting allocations and he was requesting BOL approval to allocate those funds:

- Each year, by statutory obligation, there is a portion of per capita funds collected that are to be delegated to Predator Control in the state. There is a minimum of \$350,000 that is to be allocated to that Predator Control fund, according to State statute
- This, year, the amount of money allocated from the per capita fees collected for Predator Control is \$425,000, which is to be divided in the following way:
 - Helicopter Insurance costs for the DOL helicopter that Wildlife Services uses for Predator Control flying is \$21,718
 - Payment to three counties who opt out of utilizing USDA Wildlife Services for Predator Control is \$36,805. Those three counties are Powder River County, Richland County and Carter County

- The remaining \$366,477 in per capita funds is allocated to Wildlife Services for Predator Control work in the remaining 53 counties in Montana

MOTION/VOTE

3:20 PM

Lila Taylor moved to disperse the \$425,000 statutorily-appropriated per capita fee money in the following way: allocate \$36,805 for predator control to the three Montana counties not choosing to participate in an agreement with Wildlife Services, allocate \$21,718 for helicopter insurance and allocate \$366,477 to Wildlife Services for predator control in the other 53 Montana counties. Nina Baucus seconded. The motion passed.

3:20 PM – June 30, 2020 State Special Revenue Report

Brian Simonson updated the BOL on the latest State Special Revenue numbers:

- Livestock Dealer Licenses were \$1,000 less than they were at this time last year, but that number is still much better than the disparity from the previous month
- Market Inspection Fees stood at \$5,000 better than at this time last year, a good turnaround, especially since they had been tanking since February
- Mike Honeycutt pointed out that the number of head that went through the market were up and the number for Market Inspection Fees were also up. The timing of those numbers moving up were in December and January and then they slowed down in February and March, correlating with the information both Brian Simonson and Ethan Wilfore had reported that day
- Per Capita Fee is approximately \$100,000 better this year than at this time last year
- The MVDL finished strong with the total revenue coming in being almost the same as what was budgeted

3:25 PM – FY21 Budget Comparison Report

For the Budget Comparison numbers, Brian Simonson broke down the DOL by program and said that because the DOL was still in the midst of closing out the year, the numbers weren't firm, but would still give a good indication of how the DOL finished the year and budgetarily what it would look like going into the next year:

- Mr. Simonson's general comment for the DOL was that they finished with a lot of unspent authority that would help carry the DOL forward into the next year, although the next year would be fine even on its own standing
- Unspent authority on Personal Services was \$413,000
- There was a 1.4% increase, about \$141,000 more in the budget for next year, a big chunk of which would go to be the 50-cent raises that are funded and also a one-time-only increase for personnel in the Brands Enforcement Division
- There was a lot of unspent authority in Operations, including the DSA, Federal Umbrella, Shielded Egg, everything from supplies to motor pool, and so, that cash is in the bank

- In operations, there was \$237,000 less in authority than last year, typical of a second year of the biennium where you usually front-load most of the one-time-only expenses into the first year
- Regarding Audits, there was \$50,000 in Audit funds that came out of the first part of the biennium
- The Equipment figure under Budgeting of \$355,000 has a lot to do with an EPP one-time-only request
- There was a lot of Federal Program monies, whether NAHLN or ADT, that came into the DOL, and the MVDL is going to see another \$131,000 come in this year
- Under Grants and Claims, the LLB will get \$300,000 for paying out on claims, \$120,000 in Federal wolf money and around \$35,000 for other grants that will be given out. The LLB did not spend all of the \$300,000 and there is approximately \$120,000 left over, which can roll into the balance, up to \$300,000 and 10% above that can be used for operations in the next year, with the remainder being doled out in grants for preventative measures
- In Transfers, \$240,000 of it was for elk collaring and around \$100,000 was paid to the DOR for their 2% fee

COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS/COMMENTS FROM PRODUCER ORGANIZATIONS

3:39 PM

Brett DeBruycker requested public comment be brought forward:

- Rachel Cone, Montana Farm Bureau Federation had been participating in the BOL meeting, but said that she had no comment
- No other comment from the public was offered

Mike Honeycutt read a letter sent to the BOL from John Scully, past BOL Vice-Chairman:

- Mr. Scully extended his congratulations to Brett DeBruycker and the other new appointees to the BOL and said he hopes they enjoy their experiences serving the industry
- Mr. Scully also extended his thanks to all the DOL employees for their dedicated commitment and daily attention to solving the simple and often complex problems encountered
 - Mr. Scully said he would not forget the exemplary attitudes of employees who suffered through the furlough and very difficult fiscal times and added that he hopes those are never repeated. Their efforts, according to Mr. Scully, made a huge impact
- Thanks to the Legislators and their staff were also given by Mr. Scully, for the able assistance and corrective measures that allowed the DOL to recover and improve, as evidenced by the year-end financials
- Mr. Scully said that annual outcomes would not have been possible without the outstanding active participation, leadership and vocal support of the industry members and association officials, and he thanked them

- To the BOL as a whole, Mr. Scully said, members of the BOL, your engagement and commitment is absolutely outstanding and appreciated

SET DATE FOR THE NEXT BOARD MEETING/REQUEST FOR ADJOURNMENT

3:43 PM

Brett DeBruycker requested that a date be set for the next BOL meeting, but added that the month of August would be very hard for him and that he was hoping to set it in the latter half of September:

- Lila Taylor said that they process calves the last 10 days of September
- Gilles Stockton said that he would ask to not have an August meeting
- Mike Honeycutt said that in today's BOL meeting, several issues had been closed off that had been lingering for a couple of months. He said with two committees assigned to do some "homework" at today's meeting, waiting until September would give them time to get any recommendations together
- Wendy Palmer was hoping the meeting could be scheduled on a Wednesday, possibly September 16th
- Sue Brown said either day, September 16 or 17, would work for her
- Nina Baucus wasn't certain whether or not a ram sale scheduled for September 17th in Miles City would be cancelled or not
- Date for the next BOL meeting was scheduled for Wednesday, September 16, 2020

MEETING ADJOURNED

3:48 PM



Brett DeBruycker, Chairman