



## Montana Board of Livestock Meeting Minutes

**(This Meeting was Open to the Public & By ZOOM)**

December 14, 2021

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

### Board Members Present

Gene Curry, Chairman (cattle producer)

Alan Redfield (cattle producer)

Jake Feddes (cattle producer)

Greg Wichman (sheep producer)

Nina Baucus (cattle producer)

Sue Brown (dairy & poultry)

**(Ed Waldner was not present. All other BOL members attended in person)**

### Staff Present

Mike Honeycutt, EO

Brian Simonson, Deputy EO

Evan Waters, Centralized Services

Dale Haylett, Centralized Services

Tom Shultz, Centralized Services

Darcy Alm, Milk & Egg Bureau

Donna Wilham, Adm. Assistant to EO

Dr. Marty Zaluski, State Veterinarian

Dr. Tahnee Szymanski, Animal Health

Dr. Gregory Juda, MT VDL Director

Alicia Love, Meat & Poultry Inspection

Ethan Wilfore, Brands Administrator

### Public Present

Rachel Cone, MT Farm Bureau Federation

Jenny Bloomquist, MVMA

Jay Bodner, MSGA

Rachel Prevost, MFU

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## MEETING CALLED TO ORDER

**(2:21) 8:01 AM**

Chairman Gene Curry called the meeting to order at 8:15 AM

## CALL TO ORDER AND INTRODUCTIONS

**(2:21) 8:00 AM**

Chairman Gene Curry called for BOL member introductions and comments:

- Nina Baucus, Cattle Representative, reported that they needed moisture and she said she believed it would come after the first of the year
- Sue Brown, Milk & Egg Representative, reported they were getting the late Fall things accomplished like rebuilding barns. She said she was a little nervous about the lack of moisture as the Gallatin Valley hadn't had much and Bridger

Bowl hadn't opened. Their goats were being given a 2-month break before they kid again

- Jake Feddes, Cattle Representative, voiced the same moisture concerns as Nina and Sue. He said though, that the cattle were still out on pasture and that they hadn't been feeding them full feed or supplementing them, and that was saving them a lot of money as hay was so expensive. He added that he was chasing kids around with their sports
- Greg Wichman, Sheep Representative, reported that they had snow but were still watching because of a couple fires that had been around them. He added that they were giving some cake to the sheep
- Alan Redfield, Cattle Representative, said that the valleys were pretty dry and everybody was pretty much out on meadows. They were starting to feed a little bit and that the cattle just "smoke" to the hay bales. He reported that there were still a lot of cattle left in their valley
- Gene Curry, Cattle Representative, reported that they hadn't had much moisture either. He said they were fortunate to have enough feed. There had been some sales around this year and he said it was amazing what the females were bringing. He didn't think, though, that many of them were sticking around the state of Montana
- Mike Honeycutt reported that due to a family situation, Ed Waldner would not be in the meeting today
- Gene Curry said that he had spoken with Waddie Taylor the day before and that he said, even though he wasn't able to join the BOL meeting today, that everything he read on the new Brands Policy looked alright

## **BOARD ADMINISTRATIVE ITEMS**

**(7:01) 8:05 AM**

### **(7:01) 8:05 AM – BOARD APPROVAL OF BOARD MEETING MINUTES**

Gene Curry entertained a motion to approve the minutes of the last BOL meeting

## **MOTION/VOTE**

**(7:06) 8:05 AM** Nina Baucus moved to approve the minutes from the BOL November 3, 2021 meeting. Sue Brown seconded. The motion passed.

## **OLD BUSINESS**

**(7:31) 8:06 AM**

### **(16:53) 8:06 AM – UPDATE ON GOVERNOR'S OGSM STRATEGIC MANAGEMENT IN RELATIONSHIP TO BOL AND EXECUTIVE OFFICER STRATEGIC GOALS**

Mike Honeycutt reported on his report to the Governor at the November 29, 2021 OGSM meeting:

- Mr. Honeycutt said that he had reported to the Governor that doing a standard trendline of doing so many each month, the DOL was behind in rerecord, but he said that in the Brands report today, that Ethan Wilfore would report that the DOL was now in line with where the DOL was compared to 10 years ago
- The DOL was not over-extending its budget, Mr. Honeycutt said, and he reported to the Governor that expenses were within revenue and that cash was drawing back as it always does this time of year until per capita starts coming in again in the Spring. He added that the DOL budget is still in good shape and that the DOL had prepared itself for what would happen with less livestock on the landscape
- Mr. Honeycutt said that vacancies in the Meat & Poultry Inspection Bureau were systemic issues, but, that every other area in the DOL had been doing well in that regard
- Employees had been moving around in the Brands Enforcement Division, with Jake Eshelman replacing Don Selle, who retired and Cole Chandler taking Jake Eshelman's vacant position in Columbus and now, Cole Chandler's Glasgow position was open
- Mr. Honeycutt said that the DOL had moved as many cattle through the markets by the end of November as they typically would have moved by February. He added that the month of November itself had less cattle moved through the markets than had the previous year and so he thought perhaps the cattle numbers going through the markets had reached the top of the curve and maybe would start to go down
- The State Ratings Officer training was in yellow, according to Mr. Honeycutt, because Alex Dach still hadn't gotten a face-to-face course to open up to finish off his training
- The Foreign Animal Disease exercise had been moved to yellow because the TB testing was taking priority over that, but, it would be brought up again in January or February
- The Cooperative Interstate Shipping (CIS) application had been moved to the yellow category because the DOL was still awaiting getting an onsite review and getting that designation from the Feds
- For the VDL, Mr. Honeycutt reported that they got good press for their turnaround times for CWD and he also shared with the Governor what the DOL was doing in regards to the Tuberculosis issues that had arisen
- The Governor was also told that the DOL did take possession of the helicopter this month and was getting it outfitted to do aerial hunting
- With the Governor requesting a baseline on what was going on with livestock slaughter in the state, Mr. Honeycutt said he put together a dashboard using State-inspected and custom exempt data, but, was still trying to get Federal data to put into that. The DOL had previously asked if the USDA would share info from seven of the slaughter plants that were Federally-inspected, and even after putting in a FOIA request, the DOL still hadn't been responded to with that information
  - Mr. Honeycutt that the ratio between custom-exempt facilities and State-inspected facilities was staying about the same in the first quarter, but

getting into the second quarter of Fiscal Year 2022, there had been an uptick in poultry slaughter, he thought maybe it was the “Thanksgiving” effect or possibly the Federal government money being spent on equipment and those types of things to do more at their plants so they could sell turkeys at Thanksgiving

- The Governor had given State agencies a challenge to try and do as many of their services that they could digitally, and according to Mr. Honeycutt, the DOL’s IT staff had identified 46 business processes at the DOL. Three of the processes were complete, seven were in progress on November 29<sup>th</sup> and 36 had yet to be started
  - Some of the DOL processes were online, according to Mr. Honeycutt, but had yet to be moved into the better system that State IT had developed for the DOL
  - Mr. Honeycutt said that he had received some pushback in speaking with some folks at the MSGA convention, regarding digital applications, and he said the DOL might have to go a long time utilizing both electronic and the way they had always done it
- With the Governor requesting more simplified organizational structure for State agencies, Mr. Honeycutt said that the DOL’s structure was about as simple as it could get and has a good division of labor between divisions and lines of accountability throughout

**(26:59) 8:26 AM – Need to Discuss Next 6-Month Horizon Initiatives and Measures**

Mike Honeycutt said that the next time he met with the Governor, the OGSM discussion would be covering the horizon for the first six months of 2022.

- Mr. Honeycutt said he believed that value-added agriculture would continue to stay on the Governor’s watchlist moving into the first half of 2022
- Mr. Honeycutt said he would be soliciting advice from staff and also requested input from the BOL on the initiative category and how you measure it for the first half of 2022
- Nina Baucus said per capita collection should be focused on in the OGSM for the first half of 2022, along with shipping, health and movement permits. Ms. Baucus also wanted to continue to move forward with the new Lab and also address salary issues in the DOL
- Gene Curry agreed that the DOL should somehow get a tighter grip on what’s happening with movement of animals, especially in light of the TB outbreaks in Montana
- Alan Redfield requested education for ranchers regarding some of the animal diseases, such as TB. Mike Honeycutt agreed adding that education to producers should also cover when inspections were needed to be in compliance
- Gene Curry said that having radio spots regarding inspections would be helpful to producers

- The DOL working with FWP to help educate hunters would be helpful, especially when mules or horses were used during hunting season, Alan Redfield suggested
- The BOL was also hoping that somehow the DOL training Meat Inspectors and then them going to take a Federal position should be looked at
- Mike Honeycutt wanted to move forward with the new Brands policy
- Mr. Honeycutt said that for the Red Tape Review, if there were statutes or rules the BOL wanted to change, they might want to get some stakeholder input first, but to keep in mind that there was a new law putting a moratorium on rulemaking in the last quarter before Legislative Session
- Mr. Honeycutt wanted to protect the integrity of the industry, make sure our producers continue to have access to markets and are able to freely do business and don't get outside regulation because the DOL was failing to do their job inside the state
- Mr. Honeycutt said that his next Ops review would probably be the third week of January to meet with the Governor again and that would be when he'd give him some of the DOL's new targets for the first six months of 2022
  - The Governor, according to Mr. Honeycutt, had expressed a lot of pleasure with the DOL's moving forward with the technology component, and at one of the Cabinet meetings, the DOL was used as an example of what he wanted to see agencies doing and trying to modernize how they're doing things
  - The DOL had gotten high marks for its response to the Tuberculosis outbreaks, and Mr. Honeycutt said the Governor took personal notice of the DOL going to the community, having a public meeting and being very transparent and prioritizing getting to the animals

#### **(45:40) 8:44 AM – BRAND POLICY REVIEW**

#### **(45:40) 8:44 AM – Second Review of Draft for New Brand Policy/Set Effective Date**

Ethan Wilfore said that he had given the BOL two attachments to compare, one was the new Brands Policy draft and the second one was the revised current policy going through revisions:

- Mr. Wilfore said that the Brands Advisory Committee members used to be comprised of all staff, but, included in the new Brands Policy would be stakeholder groups, Legislators and BOL members as well
  - Mr. Curry voiced concern that there was no avenue in place of how the extra people on the Brands Advisory Committee would be appointed
  - Alan Redfield suggested, in the case of Legislators being appointed to the Brands Advisory Committee, to add that they have experience on the Ag Committee or in personal life or in livestock production

- It was pointed out by a BOL member that a group that hadn't been included on the Brands Advisory Committee were the District Investigators or the DOL Brand Inspectors, but if they were put on the Committee, they and any staff would serve in an ex-officio role, not a voting role
- It was decided by the BOL that the Chair would orchestrate getting people from various groups together to be part of the Brands Advisory Committee
- Ethan Wilfore said that after review of conflicts, additional characters were added for brands, including the spade, mill iron, rafter and some new brand images that are not considered characters. After reviewing regional character conflicts, Mr. Wilfore said that roughly half of them were removed and an additional statewide conflict was added
  - A "G" and "6" were added back in at the recommendation of the Inspector group, but, for example, if someone had a "G" on the left rib, that would be considered the same as a "6"
  - With concern raised about sloppy brands, Mr. Wilfore said, that if an Inspector can't read a brand and can't determine what it is, they don't have to issue the inspection
  - Also done away with, according to Mr. Wilfore, were the acceptable formats, because it was felt that was very restrictive policy. General guidelines around that were that characters would be organized in horizontal, vertical or diagonal. Tumbling characters would not be allowed
- A change was made to the Employee Actions segment of the Brands policy, removing the policy that said DOL employees could only own three brands at a time. Mr. Wilfore said that policy was restrictive and that employees should be treated the same as every other brand owner
- Mr. Honeycutt said that to prevent profiteering by DOL employees on brands, two Legislators were considering bringing legislation that would say if a DOL employee purchases a brand, it would have to be held until the next rerecord
- Property rights of brand owners was discussed by the BOL, including the number of brands one person could own
- Although there was no grace period given after the rerecord period was completed in 2021, people would have 90 days after December 31st for just two things to happen regarding a brand:
  - If somebody proved to the DOL that a mistake was made and they didn't get a new brand certificate, if they produce a cancelled check to the DOL showing they paid, the brand certificates would be issued
  - If someone forgot to rerecord their brand, during that 90 days they would be the only one, the owner, the previous owner is the only one who could put in a new brand application for that actual brand and pay for a new brand application and go through the conflict check. And, if it passes that, they could be issued that as a new brand, starting with 2021, or, if it doesn't pass conflict check, then it would be gone
- Mr. Wilfore said that if a brand is lost, and a producer has cows with that lost brand on them, even though they are not rerecorded, the Inspector can do an inventory inspection on the Brands database, and if the cows were brought to

market there would be an application to release proceeds for the expired brand and the producer can sign to get funds released

- Mr. Wilfore said that at the end of the rerecord period a new list would be published with all inactive brands and those would be available to be applied for sometime in April. Mike Honeycutt reminded the public that a person could not get issued a brand the same day they apply for it and that whether you show up in person or apply online for a brand, you get slotted into that day's input

**(1:30:42) 9:29 AM**

**Greg Wichman moved to make the effective date of the new Brands Policy on April 4, 2022. Alan Redfield seconded. The motion passed.**

Mr. Wilfore said that along with the effective date of the new Brands Policy, that a new Standard Operating Procedure (SOP) would have to be designed of how to work with the issues brought on by the new Brands Policy

- Mike Honeycutt said that if additional stakeholder input came in, that would not preclude the BOL from making changes to the new Brands Policy before the April 4<sup>th</sup> date

**(1:34:15) 9:33 AM**

**Alan Redfield moved to adopt the rule changes for the new Brands Policy. Jake Feddes seconded. The motion passed.**

Mike Honeycutt announced that Ed Fryer, one of the members of the Brands Advisory Committee passed away, shortly after the conclusion of rewriting the policy that was just approved. Mr. Honeycutt said it would be appropriate to do some communication with his family about the BOL's appreciation for his service to the DOL and let them know we were happy he got to participate in the monumental changes to the Brands policy

**(1:37:50) 9:36 AM RECESS**

**(1:38:05) 9:50 AM RECONVENE**

## **NEW BUSINESS**

**(1:38:05) 9:50 AM**

### **(1:38:05) 9:50 AM – RED TAPE RELIEF PROJECT**

Mike Honeycutt said that for the Red Tape Relief Project, 81 Chapter 4 would be reviewed today:

- There were no rules associated with this Chapter, according to Mr. Honeycutt
- Mr. Honeycutt requested any BOL input or any input from stakeholder members who were online or in the room (Rachel Cone, MFBF, Rachel Prevost, MFU and Jay Bodner, MSGA)

**(41:39:26) 9:52 PM – Review Brands High and Medium Priority Items from 11/3/21 Meeting**

Ethan said that the BOL had been given a summary of what had been gone over at the last BOL meeting, along with suggested changes listed out in order and removals

**STATUTES**

- 81-8-213 – *Livestock Markets and Dealers - Definitions*
  - Mr. Wilfore said that the suggested definition put in there had been taken from Federal code and said it would be any person, not a marketing agency, engaged in the business of buying or selling in commerce, livestock, either on their own account or as an employee or agent, the vendor or purchaser
    - The definition could still be worked on more, Mr. Wilfore said, but he thought that the definition he got from Federal code was vague enough regarding profiteering
  - Mr. Wilfore said that an independent would need to have their own dealer license requiring their own bond and registration package and if it is an agent working for another entity, they would work under that entity's bonds and documents
  - Mr. Honeycutt said that the changes in all of these statutes and rules would come before the BOL again in the Springtime. The statutes would go through several steps before being considered by the full Legislature
    - Changes would come forward as a Legislative concept that would be submitted and then established by OBPP
    - Then, those changes would go to the Governor's Office
    - Changes would then go to Economic Affairs and the Economic Affairs Interim Committee where they appear as Legislative placeholders by the request of Economic Affairs Interim Committee
    - Then, the DOL would need to get busy with the actual drafting of legislation and finding sponsors
  - Mr. Wilfore said on the sheep permits, he removed the, "if it finds that a permit system is necessary," because it contradicts the requirement of commerce with the word "shall"
- 81-8-251 – *Certificate to Operate Livestock Market Required - Application*
  - Ethan Wilfore said he did cleanup, removing line E requiring listing out markets within a 200-mile radius and also removed line F, the anticipated revenue from inspections to be derived by the State
- 81-8-252 – *Hearing on Application for Certificate - Decision*
  - Ethan Wilfore said that he did cleanup in B, C and D and eliminated E, the requirement to notify the railroad
  - Regarding section 2, the BOL discussed again not restricting commerce in the state by regulations but still making sure that the DOL looked out for producers where someone would take advantage of them because of a lack of regulatory authority
  - Sue Brown said she thought the determination of convenience and necessity was really ambiguous and hard to distinguish

- Mike Honeycutt said that the way the statute was written now, a need for a new market had to be established in a community and supporters needed to come forward and write statements regarding the need for the new market and a public hearing had to be held
- The BOL said that it also should be determined whether there was an ability of the DOL to staff the market on sales days
- Sue Brown said that most of the evidence for a new market should be based on finances and public input
- 81-8-264 – *Satellite Video Livestock Auction Market*
  - Ethan Wilfore said there were some changes to the name first, or, possibly even repealing the Satellite Video Auction statute and require registration and bonding with Packers and Stockyards on the custodial account and the DOL would track on the application that they are calling themselves a video livestock auction
  - Mike Honeycutt said that he didn't know if video auction markets would be able to have veterinarians like a traditional livestock market does and that to have them operate like a traditional brick and mortar would be a bar that would be difficult for those companies to meet
  - Alan Redfield voiced concern about bonding requirements and how the number of cattle in the loads are exceeding the bonding needed. He said that some companies are providing video services without financial connection and that should be identified in the statute
    - Jake Feddes said that as far as increasing the bonding, Montana needed to be sure that it wasn't making it so difficult to work with that nobody from out of state would want to come in here and work with them
  - It was discussed that it should be specified whether a video livestock auction market is considered an actual market or a technology service
- 81-8-272 – *Issuance of Livestock Dealer's License*
  - Ethan Wilfore said that statute was just to align the May 1<sup>st</sup> date
- 81-8-401 – *Certain Dealing in Baby Animals – Unlawful*
  - That one was on the worksheet

## RULES

- 32.15.104 – *Changes in Operation of Market*
  - Mr. Wilfore said that he added specific language to change the operation in the market and the requirements of 32.15.105 were added to 32.15.104 because they were repetitive
- 32.15.105 – *Procedures for Obtaining Departmental Approval of Market Changes*
  - This rule was repealed and the requirements listed in it were moved into 32.15.104
- 32.15.106 – *Financial Reports*
  - Mr. Wilfore said that he removed the annual report requirement, but left the "by request" in it
- 32.15.107 – *Review of Bond Requirements*
  - Mr. Wilfore said that this was removed from rule

- 32.15.110 – *Livestock Market Yard Regulations*
  - This rule was simply removed, Mr. Wilfore said, just to open us up to modernize later with electronic
- 32.15.111 – *Construction*
  - Mr. Wilfore said that he moved this one into repeal.
- 32.15.602 – *Renewal Requirements*
  - Mr. Wilfore said there were no qualms to have this rule repealed because it was redundant with statute
- 32.15.702 – *Permit Required to Conduct Association Test Station Sale Exceptions*
  - Mr. Wilfore said that this was changed to remove the issue of an association test station sale from the Board to the partner

**(2:33:50) 10:45 AM – Review MCA 81-4**

Ethan Wilfore addressed the MCA 81-4 statutes that had been discussed previously:

- 81-4-106 – *Notice to Owner to Repair Fence – duty of County Commissioners*
  - There was discussion about whether or not the County Commissioners had been dealing with fences
  - Alan Redfield said he was hesitant to throw some of the things out of this statute because it was for protection
  - Mike Honeycutt said these laws are about fencing things off your property, not fencing things in your property and reminded the BOL that a person could really get mixed up if they started looking at any one statute in isolation without all the other things that affect it. That is why we wouldn't specifically say that the regulations are for fencing all livestock out because other parts of the law establish that unless it's in a herd district and has been incorporated by a municipality, it's open range
  - It was decided to check into shared fences and highway fences and whose responsibility it was to maintain them
  - Chronic offenders of having cattle out was discussed
- 81-4-107 – *Procedure When Owner Unknown or Not Resident of State – Sale of Wire Removed*
  - Ethan Wilfore said, just like 81-4-106, it was a process of whether or not it was still used
  - Gene Curry said he didn't want to shake the boat because of the recourse that could cause and it was decided to leave that statute as it was
- 81-4-108 – *Disposal of Proceeds of Sale of Wire After Payment of Expense*
  - Ethan Wilfore questioned the relevance of this statute. Mike Honeycutt suggested not repealing it without talking to the County about it
  - It was decided by the BOL to leave the statute as it was
- 81-4-201 – *Animals Running at Large*
  - Sue Brown pointed out that there were no cattle listed on the Animals Running at Large list
  - It was decided to put that statute on the discussion list
- 81-4-203 – *Open Range Defined*

- It was found, in looking at the definition of open range in different State titles, that the definition varies
- Mike Honeycutt shared that he had spoken with a previous Director of the Montana Department of Transportation who had a different idea of where cattle should be in Montana than where the DOL thought they should be and so the two departments were not able to “harmonize” their definitions of open range
- The last time the statute was updated was in 1947
- It was decided to list this statute as a high priority
- 81-4-207 – *Castration of Animals Running at Large*
  - It was found that the last time this statute was changed was in 2015
  - Concern was raised about a person taking matters into their own hands regarding the animal without checking with the DOL
  - It was decided that this statute would be a medium priority
- 81-4-208 – *Killing of Animal Running at Large*
  - It was decided that this statute would be a medium priority
- 81-4-211 – *Female Breeding Cattle, Purebred Bull to Accompany*
  - There was some confusion by the BOL about what this statute means and whether or not it was still relevant
- 81-4-212 – *Castration of Violating Bulls*
  - Concern was again raised about a person taking matters into their own hands regarding an animal without checking with the DOL
  - Mike Honeycutt pointed out that if you get rid of 81-4-210 and 81-4-211, you would have to also get rid of 81-4.212 because it was in reference to them
- 81-4-214 – *Branding Animals Running at Large*
  - Ethan Wilfore said this statute was somewhat redundant because it’s basically saying you could remove a brand, which was already in statute
  - The BOL decided to delete this statute
- 81-4-216 – *Damage to Planted Trees*
  - Alan Redfield shared a story about bison getting out and tearing up people’s yards and the whoever was responsible had to buy some expensive trees
  - It was decided that since damage covered was listed in 81-4-215, to delete 81-4-216
- 81-4-218 – *Marking Land and Mining Claims in National Forest*
  - It was suggested by Gene Curry to not specify email or text messages as notification to offending owners but to leave it as “written notice”
  - Nina Baucus said she found it very interesting that in one of the statutes it says if you don’t want my cows in, you have to fence them out, but, when you get to mining claims it was different
  - It was decided to delete this statute, but then Alan Redfield said that if you threw it out, you’ve messed up any action against trespassing livestock
  - It was decided to leave the statute alone
- 81-4-219 – *Method of Marking* / 81-4-220 – *Marking-Right of Action Against Trespassing Stock*

- These two statutes are together
- 81-4-301 – *Herd Districts – Creation, Size and Location*
  - Alan Redfield said he struggled with this statute because, would the County Commissioners protect the rights of the minority, because if a guy has a thousand acres in the middle of 56,000 acres and it is made a herd district, that littler guy might get run over
  - Greg Wichman said that there was a contentious herd district situation between the APR and producers in the area of the APR. He said he thought the Herd District statute should be a high priority because more definition was needed to figure out which direction to go. Jake Feddes agreed that this statute should be listed as a high priority
  - Mike Honeycutt said that the Lieutenant Governor had requested the previous week that a universal statewide district map should be created listing the herd districts, even though some are in effect for only a portion of the year. Right now, he said, a person has to go county by county to find that information
- 81-4-105 – *Fallen Wire Fencing Declared Nuisance -Abatement*
  - Ethan Wilfore said that he was not sure how relevant this statute was and that it put a lot of duties on the County Commissioners. He added that he would like to review it more
  - Alan Redfield said this statute could be an issue, especially with the price of hay
  - Mike Honeycutt said that in Missoula County there had been an abandoned horse roundup held about every 2-3 years because of the numbers of horses getting so high. He said that the DOL has had to utilize the statutes in at least one instance
  - Mr. Honeycutt said that he had been forewarned to expect potentially one or more Legislators maybe would come forward with an interest of trying to move the responsibility of caring for abandoned horses from the Sheriff's Department to the DOL. He said he communicated that he hoped they would be prepared for the fiscal note on a bill like that
- 81-4-604 – *Sale at Public Auction -Branding*
  - Ethan Wilfore said that the statute requires that estrays be branded with the Bar-One-Bar stray brand. He said it happened consistently with cattle but not all the time with horses, because it had become a safety issue at times and he would like the statute to give the DOL some discretion regarding the branding of estrays

Mike Honeycutt offered a time for the public to add their input to all that had been discussed

**(4:00:19) 12:12 PM – UPDATE ON INTERACTION WITH LEGISLATIVE INTERIM COMMITTEES**

**(4:00:19) 12:12 PM – Section C Interim Budget Committee and Legislative Finance Committee (LFC)**

- Mike Honeycutt reported that on the following day, December 15, 2021, he would be with the Section C Interim Budget Committee:
  - The Fiscal Analysts, according to Mr. Honeycutt, would be reporting to that Committee on how the DOL was doing in their budget and so he expected that his remarks would be brief and that he would be available to answer questions
- Mr. Honeycutt said a memo, requesting to bring one-time-only authority forward to retro-fit the new helicopter, had already been sent to the Legislative Finance Committee for their meeting on December 16, 2021
  - Mr. Honeycutt said that according to Director Osmundsen, no action would be taken that day on the DOL's request, but he would need to be there to answer any questions regarding the request

**(4:01:36) 12:13 PM – UPDATE ON WINTER INTERAGENCY BISON MANAGEMENT PLAN (IBMP) MEETING**

Mike Honeycutt reported that he and Dr. Marty Zaluski attended the IBMP meeting in Missoula on December 1, 2021:

- Mr. Honeycutt explained that the annual meeting is held to work on the winter operations management plan
- Population numbers of bison in Yellowstone National Park, post-calving, were at 5,400-5,700
- Mr. Honeycutt said that the weather had not provided a lot of opportunity for either hunting or capture of bison from Yellowstone National Park for the last couple years, and so, they were suggesting a count of 600-900
- With how conditions vary and the anticipation of a La Nina, both Dr. Zaluski and Mr. Honeycutt voiced that they needed to have the flexibility to remove more if the environmental conditions warranted it, because in future years they may not have it
- According to Mr. Honeycutt, language was added into the agreement to take more bison, with a top end of 200 more, but one of the tribes wanted to take it back to their Council to see if they would agree to that

**(4:03:23) 12:15 PM – PLANNING FOR EXECUTIVE OFFICER EVALUATION**

Mike Honeycutt reminded the BOL that with the next month being January, that was when the BOL typically did the Executive Officer evaluation:

- Mr. Honeycutt said that if there were things the BOL wanted him to present for his evaluation, to give him a heads up so he could prepare for that
- Regarding OGSM, which had been presented every month, Mr. Honeycutt said that would be the time the BOL could bring up any goals or measures they'd like to see accomplished through him during the next year –
- Although the previous Executive Officer evaluation form was a little outdated, with some measures already accomplished, Mr. Honeycutt said he would send it to the BOL members so they could see how the evaluation was done in the past
- Gene Curry said that there were only three carryover BOL members from the last evaluation that was done, so it would be tough for new BOL members to evaluate

on anything other than what they had seen in the last 6-8 months

(4:08:41) 12:30 PM LUNCH

(4:09:10) 12:51 PM RECONVENE

## **NEW BUSINESS (Continued)**

(4:09:10) 12:51 PM

### **(4:09:14) 12:51 PM – DISCUSSION OF REQUIRED LIVESTOCK TRANSPORTATION DOCUMENTS ISSUED BY THE DOL**

Gene Curry said that Nina Baucus had requested that the DOL transportation documents be reviewed and he said that the BOL could go through each one individually:

- **Transportation Permit for Grazing Purposes in Montana Only** makes sure a person is moving their own cattle
- A **Lifetime Rodeo Bull Permit** is a permanent permit, similar to a Lifetime Bull Inspection
- On a **Lifetime Bull Permit**, Ethan Wilfore explained that currently the inspection details must be drawn in by hand on the bull permit, but, the horse permit allows the District Investigator to take a picture with a cell phone
  - Mr. Wilfore went on to explain that because the DOL was moving towards a different system, they put a pause on changing the permit for the bull, but, the plan was to work that in
  - The permit had been revised back in March 2021 and had a DSA check box added to it, at the request of Animal Health, Mr. Wilfore said
- On a **Cattle Inspection Certificate**, Nina Baucus requested that the health permit number be added onto the permit as well
- On the **Horse Brands Inspection Certificate** there was discussion regarding the movement of multiple animals on the same brand and drawing in brands and markings
- The **Rodeo Livestock Inspection Certificate**, according to Mr. Wilfore, was used for any movement for a year for rodeoing and were not used very frequently. The last time it had been revised was in early 1997
- Mr. Honeycutt said it was not a document for movement across state lines, only for movement within Montana
- Mr. Wilfore said that for the **Sheep/Bison Transportation Permit**, most of the bison permits are issued online and there are a lot of paper ones issued for sheep, but, quite a few sheep permits are online as well
- Alan Redfield said that the **Livestock Market Permits** were so small to try to get your information put on there. Gene Curry added that there was more room given on the permit for the date than there was for the address

- Ethan Wilfore said on the **Lifetime Horse Permit**, the DOL was hoping to make the process of issuing cards with a picture much quicker and easier when it was moved to an electronic inspection process
- Dr. Tahnee Szymanski said that the State of Montana had gone away from having veterinarians issue paper **Certificates of Veterinary Inspection** and whatever electronic platform they're using would generate a health certificate number associated with a movement document
  - Dr. Szymanski said that if a veterinarian generates a CVI, they would either be able to email it directly to the trucker or owner or print it off and hand the copy of it to them. If there happens to be spotty service, she said to call the Animal Health Bureau office and they could hunt down the veterinarian that issued the CVI to verify that it exists so they can get moving in a timely manner
  - Dr. Zaluski said that CVIs could be generated offline with no service whatsoever
    - The trucker could be given the information immediately if the veterinarian printed a copy of it from a printer in the truck
    - The trucker could take a picture with a phone of the veterinarian's screen of the CVI
    - Write down the CVI number or reference number that an Enforcement Officer could use when calling the Animal Health Bureau office
    - Dr. Zaluski said that they had shared with veterinarians that there were health certificate programs available offline where there was no connection necessary, as the DOL had not submitted for print and ordered health certificate books for some time
    - Dr. Szymanski said that the veterinarian can submit a CVI to the Animal Health Bureau once they are back in cell phone service, but, on a case-by-case basis, there was a DOL policy that allowed them to continue to issue paper certificates. The health certificate books of 25 were planned to be replaced by loose-leaf pages in the case of a software or hardware failure
- Jake Feddes reported that in the State of Wyoming all of their brands were electronic and the Brand Inspector had a printer in their truck and could print copies. All the data got submitted to the State of Wyoming when the Inspector got back into service
- Dr. Szymanski said that the electronic Certificate of Veterinary Inspection would not send if all the proper fields were not filled in and that the one currently being used by them was a State-developed product and was supposed to be a temporary option for veterinarians until the transition was made into a higher quality product
  - Jake Feddes said that in the case of having four trucks with cattle, all of the information would not fit on this one certificate
  - Depending on the state of destination, Dr. Szymanski said that some states do not require certain vaccinations for movement to them, such as

Brucellosis vaccination, so the veterinarian would have no need to complete that section of the certificate

**(4:47:41) 1:30 PM – PREDATOR CONTROL**

Mike Honeycutt said the Dalin Tidwell was not able to attend today's meeting and so he sent information over from USDA Wildlife Services

**(4:47:56) 1:30 PM – Update on Status of Helicopter Purchase from USDA**

Mike Honeycutt reported that a helicopter had been purchased by the DOL and that it arrived in Helena a day or two after the last BOL meeting:

- The helicopter was currently being looked at to determine modifications that need to be made to it to become an aerial hunting flying machine, according to Mr. Honeycutt
- Paperwork to transfer the dollars to Wildlife Services to do the maintenance piece had been completed

**(4:48:33) 1:31 PM – General Updates**

Mike Honeycutt gave Dalin Tidwell's general updates from USDA Wildlife Services:

- Mr. Honeycutt said that Wildlife Services staff had been attending various livestock organization events during the Fall and Winter and were having good conversations
- The Federal vaccine mandate had been pushed back, but was still something potentially looming out there for Wildlife Services in terms of Federal trappers and pilots that might not be available if the Federal government enforced that
- Mr. Honeycutt said that there had been no directive from the Federal government that they would ask the DOL to verify that our employees were vaccinated to receive Federal funds. He added that if the Federal government tried to withhold cooperative agreement funds from the DOL because 100% of the employees were not vaccinated, current State law prohibits that from occurring
  - The DOL was actually paying the Federal government to do the Predator Control work, but, in Animal Health and the Meat & Poultry Inspection Bureau, the Federal government was paying the DOL to cooperate with them on various aspects
- Gene Curry said that Dalin Tidwell did a really nice job on his presentation at Stockgrowers
- Greg Wichman said that he hoped Wildlife Services would have an Eastern District Supervisor by the first of the year

**(4:53:00) 1:36 PM – Livestock Loss Board Predation Claims**

The predation claims report, as of December 8, 2021, from George Edwards, Livestock Loss Board, was discussed:

- Gene Curry commented that on the compensation numbers for cattle killed in Madison County and Pondera County and said they got hit pretty hard. He said that he didn't know why the bears come down in Pondera County, but that in Glacier County they follow the railroad tracks

- Sue Brown said that in some places in the United States you could shoot bears and there were people pushing for a season to do that. She said that the BOL should tread lightly on those types of issues. Numbers should be respected so that tourism wasn't ruined, she added, because we're killing things that people want to come and see
- Mike Honeycutt shared that there was some press regarding the predation funds still available at the Livestock Loss Board that got misinterpreted and that the Livestock Loss Board and George Edwards were out, trying to make sure people knew they still had money

## **BRANDS ENFORCEMENT DIVISION**

**(4:58:24) 1:41 PM**

The BOL discussed the financial responsibility of the DOL's attached boards:

- Nina Baucus suggested that the Milk Control Board and Livestock Loss Board financials be taken out of DOL financials
- Mike Honeycutt explained that as attached agencies, the DOL was responsible, administratively, for both of their budgets, which were part of the Centralized Services part of the HB2 budget
- Mr. Honeycutt went on to explain that both the Milk Control Board and the Livestock Loss Board, however, had done their own Red Tape Review and that the BOL did not have to consider any of their statutes or rules because that was a policy decision of those boards

### **(5:05:07) 1:47 PM – RERECORD PROGRESS UPDATE**

Ethan Wilfore said that the rerecord update page he had given the BOL was probably the last update they would receive before the rerecord period ended:

- Of the 55,000 brands currently recorded in the state of Montana, 40,600 had been rerecorded, 77% of the total
- Mr. Wilfore said that in the 2011 rerecord, over 9,000 brands were rerecorded in December. Although that many had not been rerecorded in December of 2021, the numbers were picking up and he suspected that by the end of December, there would be over 45,000 brands rerecorded, like there was in 2011
- Mr. Wilfore reported that about 30%-40% of brand owners that had rerecorded so far had answered "no" for the question on the form asking if they owned livestock in Montana
- Regarding the returned postcards from the reminder mailing, Mr. Wilfore said that all but roughly 3,200 folks from those had been contacted
  - Contact information could not be found for those 3,200 people, even going through business names, lien holder and even the Secretary of State office

### **(5:09:41) 1:52 PM – REQUEST TO HIRE POSITION**

**(5:09:41) 1:52 PM – Request to Hire for District 7 Investigator (Valley, Daniels, Sheridan, Roosevelt Counties)**

Ethan Wilfore reported that at Alan Redfield's request, he had included a Montana map showing the counties each District Investigator covered:

- Mr. Wilfore explained that the previous District 7 Investigator had applied for and was selected as the best qualified candidate for District 4 and so he was requesting to be able to fill the vacant District 7 Investigator position

## **MOTION/VOTE**

**(5:10:24) 1:52 PM**

**Alan Redfield moved to approve the hire of a District 7 Investigator in the Brands Enforcement Division. Nina Baucus seconded. The motion passed.**

Mr. Wilfore explained that the reason the Chouteau County District Investigator only covers Chouteau County was because he was actually a Deputy Sheriff that ran the inspection program in that county because that county had chosen to set up their own Livestock Protection Association:

- That Deputy Sheriff still reported to the DOL as far as compliance and getting books, but ran his own inspection program with his own local Inspectors that reported to him. Mr. Wilfore added that he had been very good to work with

**(5:12:22) 1:54 PM – OUT-OF-STATE TRAVEL REQUEST**

**(5:12:22) 1:54 PM – Western States Conference in Reno, Nevada in March 2022**

Ethan Wilfore requested permission for out-of-state travel for three Brands Enforcement Division staff to attend the Western States Livestock Rural Enforcement Association Conference in Reno, Nevada on March 1-3, 2022:

- Mr. Wilfore said that Travis Elings, the Eastern Regional Supervisor was the President of that group and Ty Thomas, the Assistant Brand Administrator, was on their Board
- The agenda had quite a few speakers specializing in biosecurity livestock related crimes slated to present and Mr. Wilfore said that it was a good place to go to network with other agencies to find out best practices and what other agencies had seen
- Although rotating out Brands staff to attend the conference would give learning opportunities, Mike Honeycutt said that people needed to be there who were the decision-makers for the DOL

## **MOTION/VOTE**

**(5:15:21) 1:57 PM**

**Sue Brown moved to approve travel to the Western States Livestock Rural Enforcement Association Conference in Reno, Nevada in March 2022 by Ethan Wilfore, Ty Thomas and Travis Elings. Jake Feddes seconded. The motion passed.**

**(5:15:54) 1:58 PM – REQUEST TO PURCHASE RADIO**

Ethan Wilfore requested approval to purchase a radio for the Missoula County District Investigator:

- Mr. Wilfore explained that Missoula County had updated their radio system and that now, the District Investigator in that area was not able to communicate with them on his radio
- So far, eight radios had been upgraded, according to Mr. Wilfore, to keep up with the upgraded County systems. Within the next couple of years, he said, the remaining nine District Investigator radios would have to be upgraded
- Cost for the 9<sup>th</sup> upgraded radio was \$9,151.54

## **MOTION/VOTE**

**(5:18:14) 2:00 PM**

**Sue Brown moved to approve purchase a radio for the Missoula County District Investigator. Alan Redfield seconded. The motion passed.**

## **ANIMAL HEALTH & FOOD SAFETY DIVISION REPORTS**

**(5:21:06) 2:03 PM**

**(5:22:32) 2:04 PM - ANIMAL HEALTH BUREAU**

Dr. Tahnee Szymanski, Assistant State Veterinarian, Animal Health Bureau, introduced herself

**(5:22:38) 2:05 PM – Bovine Tuberculosis (TB) Update**

Dr. Tahnee Szymanski updated the BOL on the status of the Tuberculosis investigations that had been ongoing for the last couple of months:

- **Madison County Investigation**
  - Dr. Szymanski reported that a positive animal was detected at slaughter in Idaho and traced back to the herd of origin in Montana
  - Over the last few months, that herd had been under quarantine and subject to extensive testing, but, as of last Friday, Dr. Szymanski said the herd had been released from quarantine
  - All information that had come back on those animals so far was histo-negative, meaning there was no evidence of Bovine Tuberculosis in any of those tissues that were collected. There would be another try at culture, and so, there was a culture pending on those, but, according to Dr. Szymanski, no results were expected
  - Dr. Szymanski said that as the histo tests were happening, there was also a second test of the herd and all of the animals in the second test classified as negative
  - The herd would have to undergo an assurance test in 12 to 18 months, but it would not have to be done under quarantine
  - There were 61 responders on the initial caudal test and Dr. Szymanski said that those animals had to be euthanized. There was a dispute with 55 of those animals with the Federal government regarding indemnity value, but the USDA offered an opportunity for the producer

to come back and challenge the original indemnity value offered to potentially get a higher value for those animals

- **Blaine County Investigation**

- The owner of the Blaine County affected herd did elect to go the depopulation route with Federal indemnity. The herd would be shipped to Wisconsin in small batches, to a slaughter plant there over the next 3-4 weeks
- The first shipment of animals had one lesioned animal in it, and that lesion was submitted to NVSL who said that the lesion was not histocompatible, and even though it didn't look like TB, they would try and culture it
- The investigation associated with the affected herd was possibly 83 herds and 10,000 cattle – 24 had no testing requirements because landowners were able to determine that cattle didn't run on that property; 16 herds had completed all required testing with no additional testing required; 6 herds had completed all test requirements and were released from quarantine, but would still require more testing in 12 months; 9 herds had active tests pending, but, were expected to be released in the coming weeks; 13 herds had yet to complete testing; some herds had test results pending and some have culture results pending
- Dr. Szymanski reported that 4,800 animals had been tested so far with 71 caudal fold suspects and 2 gamma interferon-positive animals. She added that it would probably take the better part of a year to move through everybody and then it would be time to start up with assurance tests
- Montana FWP, the Department of Agriculture and USDA Wildlife Services were working on the Hi-Line doing small mammal surveillance to see if that was a possible way that the Tuberculosis entered that herd
- Small wildlife species would be trapped and euthanized to look for evidence of disease in them
- At CWD surveillance or check stations, Dr. Szymanski reported that additional lymph nodes had been taken out of deer, not only to check for CWD, but also to look for lesions suggesting Tuberculosis

**(5:35:58) 2:18 PM – MILK & EGG BUREAU**

Dr. Marty Zaluski, State Veterinarian, Administrator of the Animal Health & Food Safety Division and Interim Bureau Chief for the Milk & Egg Bureau, introduced himself

**(5:35:58) 2:18 PM – Request to Adopt Amended Rule: ARM 32.8.201**

Dr. Marty Zaluski said that he was bringing back for adoption amendments to a rule that the BOL had previously approved to publish for public comment, ARM 32.8.201 –

Scope of Rules, Definitions and Adoption of Grade A Pasteurized Milk Ordinance and Associated Documents:

- Dr. Zaluski said there were no comments received on the proposed amendments to the rule, which added language exempting “small dairies” from our rules per SB199

## **MOTION/VOTE**

**(5:37:02) 2:19 PM**

**Sue Brown moved to adopt amendments to ARM 32.8.201 – SCOPE OF RULES, as presented by Dr. Marty Zaluski. Nina Baucus seconded. The motion passed.**

**(5:33:37) 2:20 PM – Request to Adopt Amended Rule: ARM 32.8.201**

Dr. Marty Zaluski requested that the BOL approve that a contractor come in from Idaho to complete the Bulk Tank Unit (BTU) rating:

- Dr. Zaluski reported that Alex Dachs, one of the Sanitarians out of Great Falls, had not been able to get the BTU rating squared away as of yet because of COVID and other priorities
- Mike Honeycutt said that approval for bringing in a contractor had already been approved at a previous BOL meeting, but the BOL had not gotten more detailed information about who the contractor was

**(5:39:11) 2:21 PM – MEAT & POULTRY INSPECTION BUREAU**

Alicia Love, EIAO/FSO for the Meat & Poultry Inspection Bureau, introduced herself

**(5:40:08) 2:22 PM – Positive Listeria in Plant**

Alicia Love reported that in November, there was a positive Listeria test result in one of the plants, found during a routine Food Safety Assessment:

- Ms. Love said that this was the first positive environmental sample in 13 years, which was as far back as the online records go for this type of testing
- The Listeria, according to Ms. Love, was positive on food contact surfaces, resulting in a suspension action. The plant was up and operating again, but a fairly rigorous plan was put into place to assure that any ready-to-eat products the plant made would not be adulterated with Listeria
- Ms. Love explained that when a plant goes on suspension it was required for them to propose to the State how they would handle the problem, and in this plant’s case they changed the antimicrobial agent they would use for cleaning
- The plant was required to test for Listeria within the plant once a week for the next 90 days and also do product testing once a week for the next 90 days
- Ms. Love said that she would also be, during the next year, retesting to verify that the plant’s testing was correct. If Listeria was found again, Ms. Love said she would essentially come up with an even more rigorous standard for the establishment

- The plant, according to Ms. Love, threw away the products from the day the Listeria was found, but said, just because the Listeria was found on that one day, the State couldn't determine that any previous days would be impacted

**(5:47:12) 2:29 PM – Summary from October USAHA/NASMFID Meeting**

Alicia Love reported on her attendance at the USAHA/NASMFID Meeting in Denver, Colorado and also thanked the BOL for authorizing her to shadow with a Federal EIAO while she was there:

- Ms. Love said that her shadowing with a Federal EIAO included how they do their Food Safety analyses. She was also able to build a connection with other EIAOs in attendance at that same shadowing
- One of the main topics covered during USAHA/NASMFID, according to Ms. Love was discussion of Federal on-site audits in various states
- The Federal vaccine mandate and its impact on State Inspectors was also discussed during the meeting
- The meeting also addressed the Cooperative Interstate Shipping program

**(5:49:30) 2:32 PM – Vacant Positions**

Alicia Love reported that there were three vacant positions in the Meat & Poultry Inspection Bureau:

- There were two vacant Meat Inspector positions in the Kalispell area and the job posting for those would close on December 15, 2021. One vacancy in the Bozeman area, a Meat Inspector position, had been open for 6 months
  - Ms. Love reported that two interviews had been scheduled for the following day, and she hoped that one of those would be able to fill the Bozeman position
  - For the Kalispell positions, she said that in looking at applicants, it appeared that there were some good candidates
- From time of hire until a Meat Inspector would be trained enough to be fully on their own for all aspects of inspection, according to Ms. Love, was about six months
- Mike Honeycutt said there were rumors of several different plants going to a Federal inspection, and there were positives and negatives if that happened. A plant in Forsyth, for example, received monies to help them get Federal Inspection capability. Because the plant had not yet gone Federal, the State has had to cover that plant for inspection with an out-of-area Inspector because there was not a State Inspector specifically for that area

**(5:57:48) 2:40 PM – Upcoming Training for Staff**

Alicia Love reported on upcoming trainings scheduled for existing staff, that would be occurring because of some humane handling issue that had arisen recently:

- At the direction by Gary Hamel, additional training on humane handling techniques was scheduled for Meat & Poultry Inspection Bureau staff at the end of January, which would include de-escalation training
- Ms. Love said that she implemented a quarterly training survey she would be sending to all staff for them to identify the needs they feel they need

- Ms. Love said that she had only been in her position at the DOL nine months, but, she did think that getting some public feedback on how the DOL was doing would be beneficial to the Meat & Poultry Inspection Bureau program

**(6:01:12) 2:43 PM RECESS**

**(6:01:21) 2:56 PM RECONVENE**

**(6:01:25) 2:56 PM – VETERINARY DIAGNOSTIC LABORATORY**

Greg Juda, Director of the Montana Veterinary Diagnostic Lab in Bozeman, introduced himself

**(7:27:06) 4:17 PM – Update on ARPA Commission Session**

Greg Juda reported on the ARPA Commission (made up of State Legislators) meeting that he and Brian Simonson had attended just that day at the State Capitol building:

- Dr. Juda reported that the ARPA Commission voted unanimously to forward on all the projects that had been presented to them to the Federal reviewers
- According to Dr. Juda, the project the DOL presented, the proposed new VDL, had already been vetted by legal and so the ARPA Commission believed that all the criteria was met that had been outlined by the U.S. Treasury Department in the guidance document
- Dr. Juda explained that according to the guidance document, the project, to be eligible, had to have a public health component, an education component and work to create jobs
- To cover the education component requirement, Dr. Juda explained that they made a case that in conjunction with MSU, a veterinarian class would occasionally come over to watch Pathology or Necropsy
  - Also for the education piece, the VDL reported that they had done both externships and internships, three in the past year alone
  - If the project gets further down the road, Dr. Juda said that Dr. Schwarz from the VDL might be interested in teaching a class for the Veterinary program at MSU
- Originally, the ARPA funds applied for, according to Dr. Juda, was \$26,000,200. Mike Honeycutt said that there was a little over \$100 million in ARPA grant funds (Section 604 trunk) available for Montana infrastructure projects
- Mike Honeycutt said the proposed new VDL had also been approved, utilizing HB14 funds during the 2021 Legislative Session, with escalation costs already built into it
  - If the entire \$26,000,200 in requested ARPA funds was not received, the DOL could fall back on the approved HB14 funds. So either way, the new VDL was approved
- Mike Honeycutt said that the Wool Lab had been funded as well during the 2021 Legislative Session, through Montana Ag Experiment Station funding, he thought

for \$5 million. The Woolgrowers also offered funding and Mr. Honeycutt thought that Farmer's Union had also committed some funds

- With three partners, the VDL, the Wool Lab and the Ag Analytical Lab, now all to be a part of the new Lab complex, Mr. Honeycutt said that the shared space and sharing of utilities would be an advantage to stretch appropriations even further
- Dr. Juda reported that the architects were coming back for a meeting the week of January 17, 2022 to review new site plans, as it was requested that the layout of the building shield the unloading site from 19<sup>th</sup> Street. He was not certain if the architects were aware that the Wool Lab had requested to be a third component of the project
  - Mike Honeycutt said that LPW, the architect firm who had been contracted to build the Lab Complex, were already familiar with the footprint of the Wool Lab, because it had been written into the original Combined Lab Complex plans
- Dr. Juda said that yesterday, the Governor's Budget Director, along with some other folks from Helena and MSU came by to tour the Marsh Lab and see the current state of it

#### **(6:31:45) 3:27 PM – State of Necropsy Cooler Repair**

Dr. Greg Juda updated the BOL on the repair of the walk-in Necropsy cooler that had been approved by the BOL at a previous meeting:

- Dr. Juda reported that the Necropsy cooler repair in the Pathology section of the VDL had been completed; the cooler was fully functional and it reached proper temperature within 30 minutes of starting it up
- Dr. Juda said he may explore the possibility of trying to get the repair cost of that cooler reimbursed through NAHLN funding, although proprietary funds were the ones originally proposed to pay for it

#### **(6:33:01) 3:28 PM – Year-Over-Year CWD and Brucella Test Numbers**

With the wrap-up of the peak testing season, Dr. Juda said he would update the BOL on both Brucella and CWD test numbers at the VDL:

- **Brucella**

FY2020 - 78,712

FY2021 (as of December 10, 2021) – 80,174

- **Chronic Wasting disease (CWD)**

FY2020 – 7,185

FY2021 (as of December 10, 2021) – 8,094

- Dr. Juda said that FWP expected that the CWD testing numbers may hit 10,000, and with shoulder season and an extended white-tail thinning season in some areas, he was wondering what the impact would be
- It was all hands on deck, according to Dr. Juda, with everybody in the entire VDL taking care of some component of the testing, even himself, with sometimes as many as 600 tests being run in a day

- Dr. Juda directed people to an FWP web page that was dedicated to CWD and would show numbers of positives found in the testing
- Mike Honeycutt said that the last DSA expansion was in 2019, so, he doesn't feel the Brucella test numbers correlate exactly with the additional cattle under surveillance, but correlates with higher movement numbers
- Dr. Marty Zaluski reported that there were three herds in the DSA that were under quarantine, with one herd having a couple reactions found just 10 days ago. He added that the DOL would know with a high degree of certainty, but not absolute certainty that pretty much all were from separate exposures to elk
- Alan Redfield reported that the numbers were down for the elk coming out of Yellowstone National Park and that he believes the lack of snow was partly to blame for causing strange behavior in elk. He said that during bow season this year, the elk stayed at around 8,000 feet up rather than coming down into the main meadow. He added that you normally see the elk all over, and now, you're just not

**(6:48:51) 3:47 PM – Update on New Hire for Clinical Pathology Lab Section**

Dr. Greg Juda updated the BOL on the new hire for the Clinical Pathology Lab section to replace the previous Technician who had left on December 3, 2021:

- Dr. Juda said that an offer had been made the previous week to a very strong candidate for the position, but the company they had been working for “sweetened the pot” and they declined the VDL position
- Dr. Juda was fairly confident they would be able to gather another pool of candidates and that he had already had an inquiry from an individual at MSU who has a PhD and a lot of experience in lab techniques
- Mike Honeycutt said that he and Nina Baucus had talked about putting together a biennial market analysis that is normally done in about May, which would show whether or not extra FTEs were needed in the DOL and where DOL salaries were compared to market salaries
- Last time the analysis was done, Mr. Honeycutt said snapshot was done at 83% of market midpoint for salaries
- Mr. Honeycutt said that at the end of 2022, there would be a 55-cent across the board increase coming for all classified employees

**CENTRALIZED SERVICES DIVISION REPORTS**

**(7:03:28) 3:59 PM**

**(7:03:28) 3:59 PM– FISCAL BUREAU**

Brian Simonson, Deputy Executive Officer and Chief Financial Officer for the DOL apologized for not being at the last BOL meeting, reporting that he had gotten COVID

**(7:04:08) 3:59 PM – Request to Hire Milk Control Position**

Brian Simonson requested to fill the vacant position of Milk Control Bureau Chief, as Darryl Ford, the Milk Control Bureau Chief for the past 4 ½ -5 months, had taken another position in the private sector:

- Darryl Ford chose to return into the banking industry, but Mr. Simonson said that the DOL had been happy with him during his short time at the DOL
- Mr. Simonson said that he had been in discussion with the Chairman of the Milk Control Bureau regarding dealing with that position in a different way, but, for now, he was asking permission to replace the Bureau Chief position

## **MOTION/VOTE**

**(7:05:14) 4:00 PM**

**Sue Brown moved to hire a Milk Control Bureau Chief. Jake Feddes seconded. The motion passed.**

## **(7:05:37) 4:01 PM – Aerial Hunting License Renewal**

Brian Simonson said that the next portion of the agenda was basically a public service announcement regarding aerial hunting renewal:

- Mr. Simonson reminded aerial hunters that applying for that license was an annual requirement
- Mr. Simonson explained that there were three major items needed from the aerial hunters
  - Their plane must be registered with the Department of Transportation and the FAA
  - Permission must be given by landowners to hunt over their property
  - Semi-annual harvest reporting period for 2021 ended on December 31, 2021

## **(7:07:28) 4:03 PM – November 30, 2021 State Special Revenue Report**

Brian Simonson updated the BOL on the November 30, 2021 State Special Revenue comparison report:

- With only one month to go until the record period ended, Mr. Simonson said that the New Brands and Transfers numbers, that basically doubled what they normally would be for a regular month, was right in line and expected
- The Field Inspection numbers showed a nearly \$30,000 negative number that showed things were shifting to the market, as Market Inspection Fees were going great guns at \$307,607
- With several trucks selling at the State Auction, Other Revenue showed a jump to \$79,000, because a check for a little over \$50,000 came into the Brands Enforcement Division for those trucks sold
- Per Capita Fee was tracking with last years numbers, according to Mr. Simonson, and being about 1 ½ months away from the new reporting cycle, that would start to generate some income
- Investment Income was down, a difference of \$8,273 from the previous year, Mr. Simonson said, because the earnings percentage had dropped

- The negative \$7,000 drop in Milk Inspection was probably indicative of losing a couple more dairies during the Fiscal Year, but Mr. Simonson assured the BOL that given what had been done with Personnel in that area, there were no real worries as far as revenue coming in
- Egg Grading was up to nearly zero again, but that was because a June 2020 payment was paid instead in July of 2021, the new Fiscal Year, and so, that number would continue to grow and turn positive, Mr. Simonson said
- The VDL was reporting \$56,000 less revenue than the previous year, but, Mr. Simonson reminded the BOL that the VDL is behind a month in recognizing revenue, and so that was actually October's revenue. He added that, given Dr. Juda's testing numbers, that would correct itself

**(7:13:39) 4:09 PM – December 2021 Through June 2022 Expenditure Projections**

Brian Simonson updated the BOL on Expenditure Projections for the last month of 2021 through the first half of 2022:

- Mr. Simonson assured the BOL that seeing the Total Budgeted Funds number below \$200,000 rather than around \$500,000 for this time of year could be explained quickly.
- The DOL, according to Mr. Simonson, was experiencing \$300,000 in vacancy savings that had been subtracted out of this budget. He said that last year's vacancy savings percentage was 2%, and this year it was 5%
  - Mr. Simonson reported that just in the Milk & Egg Bureau and the Meat & Poultry Inspection Bureau, there was \$75,000 in vacancy savings
- Mr. Honeycutt explained that the DOL would not budget in additional Lab fees to the budget until the same amount of revenue for Lab Diagnostic fees was raised as last year's amount. So, he would expect the negative \$126,000 to eventually go away
  - Mr. Simonson said that even though the increased testing means spending more on supplies, the revenue from those tests would cover that
- Contracts, Supplies and Communications all got big hits from catching up on the State ITSD charges, and so on the Operations side, along with Travel and expanded testing in the VDL, there was a big jump in Operations this month
- Because of an extra pay cycle in November that was not there last year, there was an extra \$300,000 paid, causing the numbers on the Personnel side to be larger than last year's numbers, at this time
- The bottom line figure of \$9.8 million for the Personnel budget did not change, even though a big negative in overtime was a result of Brands market personnel acquiring overtime
- The Shielded Egg Program was projected at \$194,000 and Milk Inspection at \$76,000, number that may seem high, but, Mr. Simonson said that there was an extra FTE in Operations there that always make those numbers pretty high
- Although the Animal Health employees had been spending a lot of extra hours on the Tuberculosis inspections, Mr. Honeycutt said that some of those employees were "Exempt" employees, meaning the DOL doesn't see overtime for them, but does recognize comp time. The Brands Inspectors and Market staff that had

been helping with those investigations were “Non-Exempt” employees and could pick up overtime

- Dr. Marty Zaluski said that the plan was to code the time under the Cattle Health category of the Federal umbrella agreement

#### **(7:26:19) 4:22 PM – November 30, 2021 Budget Status Report**

- Mr. Simonson explained to the BOL that Total Expenditures and Total Budgeted Funds all had listings of \$44,900 and would always match on every page because the expenses were going to be what you’re accumulating in using of your authority
- Mr. Honeycutt explained that In the Animal Health and Food Safety Division, several different fund sources were utilized, including general funds, proprietary funds, Federal umbrella funds, per capita funds and State Special Revenue funds

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

#### **(7:33:05) 4:28 PM**

Mike Honeycutt said that Rachel Cone of the Montana Farm Bureau Federation and Rachel Prevost of the Montana Farmers Union and Jenny Bloomquist of the Montana Veterinary Medical Association were still on the ZOOM call:

- Gene Curry opened the floor for any comment from them, but, none was given

### **SET DATE FOR THE NEXT BOARD MEETING**

#### **(7:33:56) 4:29 PM**

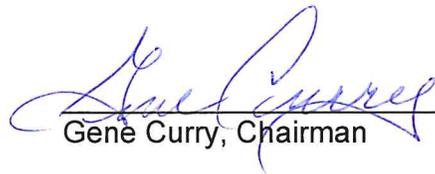
Gene Curry requested discussion on the best date for the next BOL meeting:

- Mike Honeycutt reported that he would be in Arizona on January 19-25, 2022
- Jake Feddes requested that the meeting not be scheduled on a Thursday or a Friday due to kids’ basketball games
- Mike Honeycutt said he would send a sample Executive Officer evaluation form to the BOL before the January meeting
- Mr. Honeycutt added that he would be looking over what was left for Red Tape Review and explained that because a lot of the laws governing Meat & Poultry Inspection Bureau and the Milk & Egg Bureau were Federal, there was not a whole lot the DOL or BOL could do on them. And so, he thought that maybe those smaller chapters could be knocked out during the January BOL meeting
  - Milk Price Control was done, according to Mr. Honeycutt, because the Board of Milk Control had already dealt with that. The Livestock Loss Board had also done their report already
  - Animal Health rules would be dealt with in the Spring, but, Mr. Honeycutt said that a lot of their rules had been dealt with already during the past couple of years
- The next BOL meeting was scheduled for Wednesday, January 26, 2022

**MEETING ADJOURNED**

**(7:39:36) 4:35 PM**

Rar



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Gene Curry, Chairman

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