



# Montana Board of Livestock Meeting Minutes

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

January 26, 2022

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)  
Ed Waldner (swine producer)

**(Sue Brown attended meeting by ZOOM)**

Greg Wichman (sheep producer)  
Nina Baucus (cattle producer)  
Sue Brown (dairy & poultry)

## Staff Present

Mike Honeycutt, EO  
Brian Simonson, Deputy EO  
Evan Waters, Centralized Services  
Dale Haylett, Centralized Services  
Tom Shultz, Centralized Services  
Buddy Hanrahan, 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  
Jim Hagenbarth  
Jeanne Rankin, DVM  
Dalin Tidwell, USDA Wildlife Services

Jay Bodner, MSGA  
Rachel Prevost, MFU  
Tom Rice, MACO  
Eileen White, DVM

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## MEETING CALLED TO ORDER

**(:50) 8:01 AM**

Chairman Gene Curry called the meeting to order at 8:01 AM

## CALL TO ORDER AND INTRODUCTIONS

**(:50) 8:01 AM**

Chairman Gene Curry called for BOL member introductions and comments:

- Nina Baucus, Cattle Representative, reported that they raise cattle and sheep on their place out of Helena

- Ms. Baucus said that heavier snow was up high, but that things looked pretty good so far as they just got started feeding hay
- Ed Waldner, Swine Representative, reported said they had been receiving a skiff of snow every now and then, but that it was pretty dry. He said with good moisture in the spring they would make it
  - Hog prices, according to Mr. Waldner, were up in the air and with the price of feed you couldn't make money
  - Mr. Waldner said they had to rework their barns to make it free, room-sized for the sows because of what was required for the state of California
- Jake Feddes, Cattle Representative, said that they live right outside of Manhattan, Montana
  - Mr. Feddes said they were about a quarter of the way through calving season
  - Last week, Mr. Feddes said they had the first wolf on their property and the first wolf die on their property that it had been sitting in the middle of the pairs. He said that there had been three or four wolves outside a subdivision in Churchill
  - Cattle prices keep coming up, Mr. Feddes reported, and he expressed his optimism about the cattle world for the next couple years. He said that some calves shipped yesterday in eastern Montana brought more money than any calves they sold all fall
- Greg Wichman, Sheep Representative, said they live just north of Lewistown
  - Mr. Wichman said they were feeding lambs right now, and that with lamb prices holding well, everybody wanted to have sheep to sell because they're over \$3/lb. on some lambs
  - Shearing was set to start in February
- Alan Redfield, Cattle Representative, said that he was just south of Livingston
  - Mr. Redfield said that they were in the feeding mode right now and were fixing things and spending a lot of time in the shop
  - They had a little bit of snow, Mr. Redfield said, but figured they would need about 300% above normal to survive irrigation season
- Sue Brown, Dairy & Egg Representative, said they were from Belgrade, Montana, but she was out of the country right now and would be back in February
  - Ms. Brown said they were not milking right now at their goat dairy as the goats were getting ready to kid in the next week or two
  - Ms. Brown said they were packaging cheese, and with value-added agriculture, they seemed to be getting better prices
  - The hogs they raised were doing pretty well, Ms. Brown reported. They raise them up all the way to slaughter and then Jake Feddes does their slaughtering and then they sell them locally and get pretty good prices
  - The Belgrade area needed more snow, and Ms. Brown said it was getting difficult to access hay and grain, but, so far, they had been able to get it
- Gene Curry, Cattle Representative, said that he lived just outside of Valier and that they had a diversified cow/calf operation and a feedlot

- Mr. Curry said they were fortunate in their area to have adequate feed and had put some cows on feed the previous week
- Mr. Curry reported that there seemed to be a lot of demand for feed and when someone had called looking for alfalfa, he called around but couldn't find any for them
- There had been a little bit of cold weather, Mr. Curry said, and they had not yet started calving

## **BOARD ADMINISTRATIVE ITEMS**

**(10:25) 8:10 AM**

### **(10:25) 8:10 AM – BOARD APPROVAL OF BOARD MEETING MINUTES**

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

- Nina Baucus said that there was a need for some correction to be made before the minutes were approved and that she needed Brian Simonson to help with that
- Ms. Baucus said that on the Aerial Hunting License Renewal segment, Mr. Simonson had said the pilots must be registered with the Department of Transportation and asked if it could be switched to the FAA
- Mr. Simonson said he thought that would be accurate
- Alan Redfield said that in-state airplanes were registered with the Department of Transportation
- Mr. Curry said that he thought there should be a separate motion to first correct the minutes and then one to approve the minutes

## **MOTION/VOTE**

**(12:17) 8:12 AM** Nina Baucus moved to correct the minutes from the BOL December 14, 2021 Meeting in the Aerial Hunting License Renewal section, adding “and the FAA” to the sentence that says, “Their plane must be registered with the Department of Transportation.” Alan Redfield seconded. The motion passed.

## **MOTION/VOTE**

**(14:49) 8:15 AM** Nina moved to approve the minutes from the BOL December 14, 2021 Meeting as amended. Alan Redfield seconded. The motion passed.

Gene Curry requested that those present in the audience introduce themselves:

- Jim Hagenbarth said he was a rancher from Dillon
- Rachel Cone said she was from the Montana Farm Bureau
- Tom Rice said that he was a farmer/rancher from Dillon and was the Co-Chair of the Ag Committee for the Montana Association of Counties (MACO)
- Jay Bodner said he was from the Montana Stockgrowers Association

## **OLD BUSINESS**

**(15:49) 8:16 AM**

**(15:56) 8:16 AM – UPDATE ON GOVERNOR’S OGSM STRATEGIC MANAGEMENT IN RELATIONSHIP TO BOL AND EXECUTIVE OFFICER STRATEGIC GOALS**

Mike Honeycutt gave an update on the Governor’s Objectives, Goals, Strategies, Measures (OGSM) for the DOL:

- Mr. Honeycutt reported that he had presented the DOL’s OGSM with the Governor’s office during a meeting the previous week
- The items presented during that meeting were, closing down the last 6-months horizon and talked about the next 6-month horizon that the BOL had contributed to during their December meeting
- Mr. Honeycutt thought that during his Executive Officer evaluation, scheduled that day, the BOL might be able to come up with some new dashboards and tracking he could present during his February OGSM meeting
- Although Brand rerecord progress no longer needed to be tracked, because it was over with, Mr. Honeycutt said the DOL did not get to the full 55,000 brands recorded, having rerecorded just under 48,000. He added, however, there were more brands rerecorded in 2021 than were in 2011
- Mr. Honeycutt said that this was the first time he reported during his OGSM meeting that expenses outpaced budget and revenue, and that happened for several reasons
  - There was a lot of overtime at the cattle markets with large numbers of cattle going through the markets
  - TB investigations and the overtime and travel associated with that also added to those expenses. Mr. Honeycutt hoped that a possibility of additional Federal funds would help defray some of those costs
  - There was a changeover to a newer, more expensive type of Brucellosis test because the previous test was no longer available. He said the DOL was trying to get more Federal money to help offset those additional costs
- Mr. Honeycutt said that the increased brand rerecord fee brought in more revenue than in 2011 and those extra monies would be amortized over the next 10 years
- DOL liquid cash was drawing down as it was supposed to at this time of year, but, Mr. Honeycutt said that the DOL was still north of \$13 million on that cash side. He said that number would go up over the next few months with per capita fee collection starting at the beginning of February
- Mr. Honeycutt reported that the Brands Enforcement Division was pretty well staffed at the markets, especially with short-term workers, but, that there were going to be some retirements and that they were short one law enforcement officer in Brands at the moment
- The Meat & Poultry Inspection Bureau was short 3-4 employees and that number could be greater if a couple of Federal assessments came online because a couple of the Meat Inspectors had been approved for Federal slots when those opened up

- Mr. Honeycutt said that in previous years, the number of cattle that were moved through the markets happened by February or March, and that number had been reached by December, because of the drought impacts
- Mr. Honeycutt said that all dashboards but two for the last 6-month horizon were reached
  - One dashboard not reached was that the FDA State Ratings Officer training for the Milk & Egg Bureau had not been completed because it was COVID-delayed by the Feds
    - Until another State Ratings Officer (SRO) was fully trained, Rosemary Campbell was the only SRO in the state and she can't inspect her own dairies and so, an out-of-state SRO needed to be contracted to do those inspections
  - The Cooperative Interstate Shipment Program (CIS) was still in process due to trying to set up a certified lab to do the testing. That since had been worked out
- For the next 6-month horizon, CIS and the FDA State Ratings Officer training would be remaining on the dashboard list
  - Mr. Honeycutt said, also on the dashboard list, is trying to bring travel efficiency to inspections, particularly meat inspections
  - Both the Blaine County and Madison County TB investigations needed to be wrapped up
  - The exercise on foreign animal disease that had been delayed and rescheduled needed to be completed
  - Because of the conversion to electronic health certificates on January 1, 2022, new Brand policy needed to be implemented
  - More targeted truck stops and enforcement activities were planned to try and get across to people the importance of Animal Health and Brands paperwork
- Now that the Market Auditor position was filled, audit needed to be conducted on both livestock markets and dealers
- The HB10 projects were on the dashboard list to get real-time data and improve the speed of commerce and compliance
- The Brands conversion software was being done with online dealer licensing scheduled to be launched in the spring, Google AI would help with form scanning, the Snowflake program would allow for all DOL data to be used across systems (Animal Health, Brands and Revenue information) and queried
- Mr. Honeycutt said that the Governor wanted State Departments to also work on succession planning within their own Department
- Concern regarding the number of cattle that had gone through the markets this past year and how that would affect future per capita funds was discussed by the BOL
  - Jake Feddes said that the last big cattle sellout in Montana was in 2011-2012 and it took until 2019 to get back to the cattle numbers in the state that were there in 2010

- Mike Honeycutt said that he had no doubt that the DOL was about to head into a lean time with per capita, but there was some cash to support the DOL. He did say, however, that per capita should be tracked because of having to make management decisions as a result of that

Gene Curry allowed a member of the public that was in the audience to tell why he was attending the meeting and find out if his schedule would allow him to address his issue later on in the meeting so the BOL could stay on the agenda:

- Tom Price from MACO said that he was here to comment on a Red Tape Review item, MCA Title 81 Chapter 6, dealing with the Livestock Protection Association
- Mr. Price said that there was a very efficient 3-member Livestock Protection Committee, not Association, with alternates, who were concerned with changing the wording on reimbursement fees for cattle and sheep. He said he had brought along with him Jim Hagenbarth to discuss the proposed changes
- Mr. Price said to continue on the agenda of the BOL meeting, as he and Mr. Hagenbarth would be at the meeting for a while

**(43:55) 8:44 AM – Receive Appeal Regarding Decision Not to Issue Requested Livestock Brand to Constituent**

Mike Honeycutt explained there was a chain-of-command appeal process for any DOL decision that a producer felt had disadvantaged them in some way, and he went through the series of events that took place for Mr. Mahlen’s brand appeal:

- Mr. Mahlen had applied for a brand, that was denied by the Brand Recorder, Mr. Honeycutt thought, mainly on the basis of not being an acceptable format at the time, and still was not acceptable, until the Brand Policy changes in April 2022
- When Ethan Wilfore upheld the decision of the Brand Recorder, an appeal from Mr. Mahlen came to Mr. Honeycutt
- Mr. Honeycutt upheld the decision after requesting that a check be done on it, based on the new Brand policy coming in April
- Mr. Mahlen had received ZOOM instructions on how to join the day’s BOL meeting, but was currently not online and so, Mr. Curry said to move on to New Business and if he happened to come online, the BOL could take action on his brand application then

**OLD BUSINESS**

**(48:28) 8:49 AM**

**(50:01) 8:50 AM – RED TAPE RELIEF PROJECT**

**(50:01) 8:50 AM – Review High and Medium Priority Items from December 2021 BOL Meeting (Brands Enforcement Division)**

Ethan Wilfore reviewed the high and medium priority items discussed at the last BOL meeting for the Red Tape Relief Project in the Brands Enforcement Division:

- 81-4-203 – *Open Range Defined*

- Mr. Wilfore said that he had struck out the enclosed fence portion because it did not fit with the definition of a legal fence and added an incorporated as a city or town portion
  - Alan Redfield questioned about moving livestock, but, what if the town was not incorporated. Nina Baucus asked, if you're just defining it incorporated as a city or town, how did it affect suburbs
  - Ethan Wilfore said that he did not address any other issues, only incorporated as a city or town and that he did not take into account herd districts because he felt that herd district was the exception to open range
  - Mike Honeycutt said that people who live in subdivisions had an obligation to fence livestock out of their property and that he felt it should be left that way
  - Nina Baucus said that the demographics of Montana were very different than when the law was last looked at in 1947, and they didn't even have subdivisions back then
  - Sue Brown suggested listing all lands in the state of Montana, not just incorporated cities and towns
  - Greg Wichman said the statute needs to be as broad an umbrella as possible, not defining anything to give a basis and legal terminology
  - Alan Redfield reminded the BOL that the changes the BOL agreed to make in statute needed to be changed by the Legislature. And, if they get to that point, to be sure to have everything lined up because public perception was way different than reality
  - Gene Curry agreed, saying that adding comments from MACO and maybe even the League of Cities and Towns could help the BOL's defense when presenting it to the Legislature
  - The BOL decided to revisit this statute at a later date, possibly after getting input from MACO, the League of Cities and Towns and from organizations such as MSGA and MFBF during their summer meetings
- 81-4-208 – *Killing of Animal Running at Large*
    - Ethan Wilfore said that this statute also affected 81-4-207, Castration of Animals Running at Large
    - Mr. Wilfore said he crossed out the vast majority of the statute and added that an animal unlawfully running at large must be reported to a State Stock Inspector. If the Stock Inspector is unable to determine the ownership of the animal running at large, they shall deem the animal as an estray as defined in 81-4-601 and follow the procedures set forth in that chapter
    - Mr. Wilfore said that Nina Baucus had pointed out to him that in #2, it said, reports of swine running at large should be reported to the "BOL," and he probably needed to change that to report it to the "DOL"
    - Nina Baucus wondered if a hotline to the Animal Health Division for swine running at large should be added because of African Swine Fever
- 81-4-604 – *Sale at Public Auction -Branding*

- Ethan Wilfore suggested giving some discretion to the Inspector regarding branding estrays, not making it a legal requirement to do so because of safety issues
- Jake Feddes shared a story from someone who shared a story with him about problems that arose for him when he purchased an stray horse that the DOL had not branded
  - Mike Honeycutt said he believed the owner of the horse had been offered the money back for what it sold for at auction. He added that there were no animals being sold under the State of Montana that weren't estrays
  - Mr. Honeycutt said that one thing learned from this particular situation was that the DOL should always take possession of the animal even if it is felt the animal would not survive the trip to market
- Jake Feddes complimented a local Brand Inspector in Hysham who had sheared six of his animals to try and find brands on them. He said he did his job very well
- Gene Curry said, he was hearing that the BOL did not want to change this statute

Ethan Wilfore reviewed the low priority items discussed at the last BOL meeting for the Red Tape Relief Project in the Brands Enforcement Division:

- 81-4-211 – *Female Breeding Cattle, Purebred Bull to Accompany*; 81-4-212 – *Castration of Violating Bulls*; 81-4-214 – *Branding Animals Running at Large*
  - These statutes were repealed by the BOL
- 81-4-216 – *Damage to Planted Trees*
  - Alan Redfield requested to not remove this statute, sharing that when bison come out of the Park and started tearing things up, if the statute was removed he wouldn't have a leg to stand on
- 81-4-301 – *Herd Districts – Creation, Size and Location*
- Nina Baucus said she felt that there needed to be a good definition of herd district at the beginning of these statutes, along with the definition of grazing district
- Gene Curry said that herd districts were very definite and brought up the example of Sheridan County where there were numerous herd districts, and their county map showing herd districts looked like a checkerboard
- Nina Baucus said that Sheridan County herd districts were larger parcels of land, but for smaller parcels in the state, there should be clarity on open range and herd districts so people understand about just turning their horses loose
- Ethan Wilfore said that there probably should be a definition of herd district, as the statute itself says how they're formed, but there was no definition
- Alan Redfield said that the definition of herd district itself should be more clear, stating fence-in, fence-out and those kinds of things

- Sue Brown added that there should also be public service announcements to help educate and inform the public about the statutes, especially for people who had come to live in the state in the last 20 years

**(1:45:07) 9:45 AM – Review and Set Priorities for MCA 81-6, 81-7, 81-10, 81-29 and 81-30**

- **81-6 – Livestock Protective Associations**

- 81-6-3 – *Livestock Crimestoppers*

- Ethan Wilfore said that there were two different sides to the Crimestoppers statutory requirements and whether or not to keep it – one, the program may be a little outdated and has not been the most effective and two, when was the last time a lot of effort had been put into the program
- Mike Honeycutt said, what does a Livestock Crimestoppers Commission do that can't be done by the BOL directly – program services, rewards and compensation for reports of crimes
- Mr. Honeycutt added that most of the things that the Livestock Crimestoppers Commission does needed to come back to the BOL for approval, and so, it could be an unnecessary layer of government
- Gene Curry said that the calls made to Crimestoppers were not confidential anymore unless the caller had a blocked number, because the number pops up on his screen
- Ethan Wilfore said he was not aware of any crimes really being reported to Crimestoppers since he had been employed by the DOL, but that he had received numerous complaints and tips on his personal office phone
- Mike Honeycutt said that even repealing the Livestock Crimestoppers statute should not do away with a tip line where people could report anonymously. He said the real issue was whether or not there should be a Livestock Crimestoppers Commission or just leave their duties to the BOL
- Gene Curry said it looked like the statute might be a little bit redundant, and that it didn't need to be brought back before the BOL until it was proposed to have legislation to eliminate it
- Tom Rice said that Livestock Protection Committees were well received and were working well

- **81-10 – Horse Owner Amnesty**

Ethan Wilfore said these statutes were relatively new and that there had not been rules or fees established as of yet. He suggested that an analysis be done of the fees and make rules in regard to Horse Owner Amnesty

- 81-10-102 – *Horse Owner Amnesty for Horse Transferred to Department*

- Nina Baucus questioned the section of the statute that said the person surrendering a horse to the DOL under the provisions of this

section may not be charged with or prosecuted for cruelty towards animals

- Mike Honeycutt explained that a lot of statutes like this one were passed around the country during a real strong drought time to encourage people if they could no longer care for those horses to turn them in and be free of any criminal prosecution. He added that it was up to the Sheriff's Office as the Animal Officer of the County, under Title 7, whether or not they wanted to pursue that, but that the horses could be turned into the DOL without penalty from the DOL
- Gene Curry said that with no rules set in place for a fee on this statute, the DOL was leaving itself sticking out to a fairly sizable liability.
- Mike Honeycutt explained that an estray fee was in DOL rules, but, an amnesty fee was not, and if a person turned in a horse they could prove they owned for amnesty, the DOL could not charge them for care of that horse because no fee had been established in rule
- Gene Curry said he would like to make it a high priority to get some fees and rules established around this statute before spring
- Jake Feddes said he would like to see the statute not just cover horses because other animals could be abused as well

**(2:06:05) 10:06 AM RECESS**

**(2:06:06) 10:22 AM RECONVENE**

## **NEW BUSINESS (Continued)**

**(2:06:06) 10:22 AM**

**(2:06:06) 10:22 AM – RED TAPE RELIEF PROJECT (Continued)**

**(2:06:30) 10:23 AM – Review and Set Priorities for MCA 81-6, 81-7, 81-10, 81-29 and 81-30 (Continued)**

Brian Simonson, Centralized Services, introduced himself

- **81-7 – *Predatory Animal Control and ARM 32.22 – Vertebrate Pest Control***

Brian Simonson presented to the BOL his suggestions for their review on MCA 81-7-  
Predatory Animal Control and ARM 32.22 – Vertebrate Pest Control

- Mr. Simonson said that there were 6 parts to Predatory Animal Control, but that parts 2, 3, and 6 all pertained to county and he suggested county input should be considered before making any changes in them
- 81-7-101 – *Predatory Animal Control - Definitions*

- 81-7-102 – *Department to Supervise Destruction of Predatory Animals, Cooperation With Other Agencies, Administration of Money*
- Mr. Simonson questioned the responsibility of the DOL stated in MCA 81-7-102, as the DOL did not do bounties and paid Wildlife Services an annual fee to deal with the control and destruction of predatory animals
- Mr. Simonson suggested softening the language of MCA 81-7-102 that said the DOL shall provide State oversight and administer funding for the destruction and control of predators and animals
- Jake Feddes suggested changing from the words “the destruction of” to the words “the harvest of”
- Alan Redfield suggested saying, “control of all predatory animals” and eliminate destruction totally
- Brian Simonson said he felt that rather than totally eliminating paragraph 2, to keep in there the statement that says that we shall adopt rules applicable, in case the DOL wanted to do any rulemaking at some point in the future. Alan Redfield said to not use the word “shall” but instead to change it to “may”
- Sue Brown suggested that in paragraph 3 of MCA 81-7-102 to replace systematic destruction wording with possibly the words management and control
- It was agreed by the BOL to eliminate the words, by hunting, trapping and poisoning operations after the words, predator or animals
- Alan Redfield suggested changing the hunters and anglers portion of the statute by adding to that, those who donate to the Voluntary Wolf Mitigation Fund
- Brian Simonson said he did not have any comments on paragraph 4
  
- 81-7-103 – *Administration of Funds By Department*
- 81-7-104 – *Predator Control Money – Use of Proceeds*
- 81-7-105 – *Disposition of Proceeds from Sale of Skins, Hides and Specimens – Presenting to Museums*
- Brian Simonson said that in addition to the \$425,000 transfer of fees for predator control, MCA 81-7-104 also said that more per capita fee could be taken for the purpose of protecting livestock in the state against destruction, depredation, injury from predatory animals, which the DOL does not do and he wondered if that portion needed to stay on the books
- Gene Curry said to leave it there for possible future use, because once it would be done away with, he didn’t think the DOL would ever get it back
- Alan Redfield said that the word “shall” could be changed to “may,” and that would protect the DOL budget
- Gene Curry said that unless hides get back up to \$300 or \$400, it was probably not worth setting the helicopter down by Wildlife Services to pick them up and wondered if MCA 81-7-105 should be eliminated or left as a tool

- Brian Simonson said that in MCA 81-7-103, he eliminated the sentence talking about traps and poisons and just had it say, the Department shall extend the funds for predatory animal control
- In MCA 81-7-104, Mike Honeycutt explained that what the statute was saying was that all the money made available in that account get allocated, get spent for that purpose
- Jake Feddes said that possibly at the next BOL meeting, it could be discussed whether or not to define what the word “control” means in the statutes
- Brian Simonson said he had eliminated MCA 81-7-105, but changed his thought pattern to keep all of our tools in the toolbox. Gene Curry added that leaving it was not detrimental to what they were doing now
- Mike Honeycutt explained that the DOL had not been getting any specimens and so they were not breaking the MCA 81-7-105 statute because there were none to deal with
  
- 81-7-106 to 81-7-110 – *Reserved*
- Brian Simonson said that the last sentence in parentheses under section 3 needed to be eliminated, the law pertaining to \$350,000, a temporary law there that needed to be made permanent
- Alan Redfield said that all statutory appropriations were supposed to have a sunset on them to make sure they get re-evaluated
- It was decided by the BOL to make no changes at all to MCA 81-7-106
- MCA 81-7-107 – MCA 81-7-110 were not changed because they seemed to refer to counties. It was requested that possibly Tom Price could have MACO review those
  
- 81-7-111 – *Evidence of Killing by Bounty Claimant/81-7-112 -Bounty Inspectors*
- No changes were made to either statute
  
- 81-7-113 – *Claim for Bounty*
- The statute required that the affidavit must be on forms prescribed by the Department and contain information the Department required and Brian Simonson said that even though the DOL did not have any forms, it was a minor thing and could just stay as it was
  
- 81-7-114 – *Certificate and Record of Sheriff*
- Brian Simonson said that there were no changes he made because of no reference to the DOL, but said to ask MACO to preview it
  
- 81-7-115 – *Duty of County Clerk*
- Brian Simonson said that there was no reference to the DOL except that the County Clerks were required to send a report and statement to the Department on or before the 20<sup>th</sup> of each month

- Tom Price said he would ask a Garfield County Commissioner their ideas on that
- When Gene Curry said he thought a lot of the statutes would go away after the counties looked at them, Tom Price said that he would say to leave them on the books so they would be available
- 81-7-116 – *Bounty Claims and Certificates to be Filed with Department*
- Brian Simonson said he eliminated this one
- Mike Honeycutt said for the sake of expediency that all of those statutes tied back to the record with the Sheriff or Clerk, the DOL could not take any action on. But, if the County Commissioners said to get rid of them, then the DOL could get rid of theirs at the same time
- Gene Curry said that the two statutes talking about skins, sales of skins and furs and presenting them for a bounty should be combined, not eliminated
- Nina Baucus asked, regarding MCA 81-7-201, if the DOL could get names and addresses of those persons who get a fee imposed on them by the county for their livestock for per capita fee notices. Mike Honeycutt said that the county had, in the past, asked the DOL to provide our information to them
- Brian Simonson said he had no changes in all of Part 2 or all of Part 3
  - 81-7-401 – *Killing of Dogs Harassing, Destroying or Injuring Stock*
  - Nina Baucus questioned whether guard dogs needed to be included in this statute. Greg Wichman thought yes, to add them on number 4
  - Greg Wichman said that even though he, as the owner of his guard dogs, was not in sight, they were still under his direction
  - 81-7-402 – *Liability of Owner of Dog for Damages to Livestock or Poultry*
  - No changes were made to this statute
  - 81-7-403 – *Dogging Livestock*
  - Mike Honeycutt explained that this statute was to safeguard against someone making an argument that their dog was on public land
- *81-7 Part 5 – Aerial Hunting of Predatory Animals*  
Brian Simonson said he had no suggestions regarding eliminating the requirement that the aerial hunter's plane be licensed with the Department of Transportation and that the aerial hunter was required to have 200 flight hours. Alan Redfield said that if your plane was registered to the State of Montana, it was already done
  - 81-7-501 – *Aerial Hunting Prohibited-Exceptions*, 81-7-502 – *Rulemaking Authority*
  - Brian Simonson said he had no suggested changes for MCA 81-7-501 or MCA 81-7-502
  - 81-7-503 – *Residency Requirement*

- Brian Simonson explained that the DOL tried to get this statute changed in 2019 to bring in more out-of-state aerial hunters, but, it didn't move forward
- Alan Redfield said that if MCA 81-7-503 were eliminated, MCA 81-7-501 would still be in place that the aerial hunters were registered, but you're just not limiting who could do it. The BOL decided to scrap MCA 81-7-503
- 81-7-504 – *Duration of Permit-Fee*
- Brian Simonson explained that the statute said the permit duration was not to exceed three years, but, the DOL rules duration was annual, and so he saw no reason to change the statute
- Mike Honeycutt addressed the \$2,500 fee saying that in 2019 the fee issue was brought before the Legislature because it was open-ended and that exceeded the administrative costs for the program and so the DOL requested there be a cap put on it and that the money be used for Wildlife Services
- 81-7-505 – *Resident Landowners Authorized to Aerially Hunt Over Their Own Lands Without Permit - Conditions*
- Brian Simonson suggested one grammatical change and also told the BOL that he did not think that there were any landowners reporting to the DOL that they were aerial hunting over their own land. Mike Honeycutt said, why would the DOL regulate or ask people to give reports about what they do over their own properties
- Mike Honeycutt said it would be simpler to just say that any landowner that's a resident in Montana may engage in aerial hunting of predatory animals over that person's land without a permit
- 81-7-506 – *Prohibition Against Harassing Livestock*
- It was pointed out that this statute had basically the same wording as MCA 60-7-201, a Department of Transportation statute and that they were the ones regulating it
- Mike Honeycutt explained that the penalty for harassing livestock using a DOL aerial hunting permit was that the permit could be taken away by the DOL
- Nina Baucus suggested that possibly drones should be addressed in this statute. Mike Honeycutt said that drones would be more in violation of Department of Transportation codes

No changes were suggested for MCA 81-7-506 to MCA 81-7-512

- *81-7 Part 6 – County Petitions for Cattle*
  - Nina Baucus questioned whether sheep should be included in the petitions. Mike Honeycutt said that sheep were covered in Part 3
  - Gene Curry said that for the next BOL meeting, if there was anything that the BOL didn't feel comfortable with, the statute would be revisited

## **ARM 32.22 – Vertebrate Pest Control**

Brian Simonson said there were six rules that pertained to aerial hunting

- *32.22.101 - Purpose and Scope*
  - Brian Simonson said he didn't see anything to change on this rule
- *32.22.102 – Issuance of Permits*
  - Brian Simonson said this was where the Department of Transportation requirements came into play and that he would like to eliminate all of section 2 and 3 because he thought those were requirements for pilots
  - Mike said that 3 could go away after you get the statute
  - Jake Feddes said that you could fly a drone on your own property, but not over 400 feet in the air, and said it was faster for him to do that than to get the horse
  - Gene Curry asked that the BOL work on wording of this rule that would fit drones and bring it to the next BOL meeting
- *32.22.103 – Duration of Permits*
  - Brian said he didn't change this rule as aerial hunting permits for the DOL were valid for 12 months. Alan Redfield said to leave it
- *32.22.104 – Restriction Upon Use of Permit*
  - It was decided to leave the original two sentences and eliminate section 2
- *32.22.105 – Required Semi-Annual Harvest Reports*
  - The BOL decided to change the Semi-Annual Harvest Reporting to Annual Harvest Reporting
- *32.22.106 – Revocation, Suspension or Modification of Permit*
  - The BOL decided to make no changes to this rule

- **81-8 – Beef Promotion and Marketing**

- *81-8-901 – Powers and Duties of Department - Contract*

Brian Simonson said that he had reached out to the Beef Council to discuss with them about modifying how the payments collected by Livestock Inspectors should be handled

- Mr. Simonson explained that he had also spoken with the Department of Administration who said the money was the Beef Council's money, so they did not have a problem with the idea that the DOL send it directly to the Beef Council or deposit it in the Beef Council's banks
    - MCA 81-8-901, however, prohibits the DOL from doing that and says that the money collected by DOL employees must be deposited in the State treasury
    - Mike Honeycutt said that the money is collected by DOL employees, gets deposited into the DOL account and then a reconciliation is done to get it into the

Beef Council's hands, all of which could take a couple weeks from the time it was first collected

- So far, the Beef Council had not gotten back to the DOL on their thoughts about the change
- **81-29 – Resource and Property Protection (Feral Swine)/81-30 – Protection of Farm Animals and Research Facilities**

Dr. Marty Zaluski said that the feral swine statute was a good one and he thanked Alan Redfield for what he had done already on it when he was in the Legislature

- Dr. Zaluski said they would like the portion of the statute removed regarding somebody taking swine on their own property at first sighting, but probably didn't want to open it up and have it changed by the Legislature for the worse. So, he said there were no recommendations by them at this time

### **(3:43:42) 12:00 PM – UPDATE ON YELLOWSTONE NATIONAL PARK BISON EIS**

Mike Honeycutt reported that Yellowstone National Park (YNP) would potentially be revisiting their Environmental Impact Statement (EIS) on bison:

- The last time the EIS was revised was around the year 2000, Mr. Honeycutt said, and added that they had some lawsuits come their way, challenging such an old EIS. He said that in 2015 they tried to move a new EIS forward, but it was abandoned
- Mr. Honeycutt said if YNP decided to move forward with revisions, they would, sometime in the near future, publish a notice of intent with alternatives in it and then the public would have a window of time to make public comments on the changes

### **(3:45:20) 12:02 PM – EXECUTIVE OFFICER EVALUATION**

Gene Curry requested that the Executive Officer Evaluation be done in two Executive Sessions, the first one with just the BOL and then another with the BOL and Mike Honeycutt

### **(3:45:58) 12:03 PM EXECUTIVE SESSION**

**1:25 PM RECONVENE**

**1:25 PM LUNCH**

**(3:46:02) 1:45 PM RECONVENE**

### **PREDATOR CONTROL**

**(3:46:05) 1:45 PM**

**(3:46:05) 1:45 PM – UPDATE ON ACTIVITIES OF USDA WILDLIFE SERVICES  
(Presented by Dalin Tidwell, Montana State Director)**

Gene Curry called for Dalin Tidwell, State Director for the USDA Wildlife Services program in Montana, to introduce himself

**(3:46:38) 1:45 PM – Update on Status of Helicopter Purchase from USDA**

Dalin Tidwell gave an update on the DOL helicopter purchase from USDA:

- Mr. Tidwell reported that modifications to the recently purchased helicopter (Tail #N58765) were going well
  - The high skid gear had been ordered and delivered, a significant purchase in the \$20,000 range, and that mechanics were getting started on it
  - A wire strike kit had been ordered
  - There was a good trail on getting a new console ordered
- According to Mr. Tidwell, the maintenance mechanic agreed that April would be a good time to shoot for having the modifications complete and the new helicopter ready to fly
- Mr. Tidwell thanked Evan Waters for getting the \$100,000 maintenance and modification deposit sorted out and that they were still tracking the check for that on their end
- Mr. Tidwell reported that the DOL's other helicopter, 95 Tango, had been in the shop to do routine maintenance and a transmission overhaul on a timed part, but was out of the shop and on a flight that day

Dalin Tidwell asked for clarification on the \$425,000 figure that Brian Simonson had mentioned earlier for Wildlife Services, as the operating budget agreement that they work with was \$369,947:

- Mr. Honeycutt explained that first, both insurance and predator control funds for three non-participating counties (Powder River, Carter and Richland) were taken out of the \$425,000 predator control funds
  - Mr. Honeycutt said that insurance for the new helicopter had been secured

**(3:51:45) 1:50 PM – General Updates**

Dalin Tidwell reported that USDA Wildlife Services had an opportunity to participate in the recent Bovine TB surveillance operation:

- Initially, according to Mr. Tidwell, Montana FWP asked if they would collect coyote samples for testing
- Mr. Tidwell said that through USDA's National Wildlife Disease Program, Wildlife Services was able to get some of the 12 hours of flight time paid for the coyote collection and also a commitment to use their Wildlife Disease Biologist on the project
- Montana FWP paid for four hours of flight time and USDA's National Wildlife Disease Program paid for eight flight hours and the ground and travel expenses for the project that took place on December 15 and 16, 2021

- A total of 75 coyote samples were collected by USDA Wildlife Services
- Mr. Tidwell explained that “flight time” included the pilot’s salary, the fuel cost, some maintenance and extra ground support

Dalin Tidwell finished out the general updates for USDA Wildlife Services:

- Agreements with the DOL had been signed and things were moving forward on them
- The Grizzly Bear US Fish & Wildlife Agreement had gone through with \$250,000 from them to support the grizzly bear work that USDA Wildlife Services does
- Mr. Tidwell expressed relief that the Federal vaccine mandates had been put on hold, but said that if they hadn’t been, they were prepared to accommodate that with no impact at all on the services they offer
- With the warm weather, Mr. Tidwell reported that a grizzly bear had been spotted just two or three days earlier, walking around, just north of Great Falls
- A new Eastern District Supervisor had been hired, Doug Ekberg, who would be starting there on February 27, 2022
- Mr. Ekberg was a Wildlife Biologist who had a lot of good experience, according to Mr. Tidwell, in coyote, bear and mountain lion work. He also had been Acting District Supervisor, exposing him to the work and financial plans and how to work through that process

**(4:40:11) 2:00 PM – Livestock Loss Board (LLB) Predation Claims Report**

George Edwards updated the BOL on calendar year 2021’s predation claims:

- The predation claims report showed that the LLB had exceeded, in a calendar year, the most claims ever paid out, with a total of \$304,000. Mr. Edwards added that he was waiting on an appraisal for two horse claims and once those came in, that number would jump up even more
- Mr. Edwards assured the BOL that even though it appeared that the LLB had exceeded their \$300,000 budget, they still had adequate funding to pay claims because the figure he gave was for a calendar year, not for a State budget year
  - The LLB could continue paying claims for quite a number of years before having to seek an increase through the Legislature, Mr. Edwards said, because the LLB had a savings account of rolled over funds that weren’t used in previous years
- Mr. Edwards announced that Monday, January 31, 2022, was the due date to apply for Loss Prevention Project grants
- More bears were on the prairie and moving further east, Mr. Edwards said, and he reported that the Havre Daily News had called him to ask what the process was for people to follow, when predations occurred

**BRANDS ENFORCEMENT DIVISION**

**(4:05:50) 2:05 PM**

Ethan Wilfore, Brands Enforcement Division Administrator gave updates on that Division

**(4:06:00) 2:05 PM – RERECORD**

**(4:06:00) 2:05 PM – Report Closeout to BOL**

Ethan Wilfore reported that, for the most part, brand rerecord 2021 was done and complete:

- Of the 55,576 brands currently recorded in the state of Montana, 47,663 had been rerecorded, and Mr. Wilfore expected that to possibly go up some if errors were found after housekeeping was completed on the project
- Mr. Wilfore said that in the 2011 there were about 2,000 fewer brands rerecorded, but that the percentage of brands recorded was probably about the same as in 2021, around 86%
- 1,000 new brands were recorded in 2021
- Mr. Wilfore commended the Brands Enforcement Division Helena staff for their efforts on rerecord and the BOL sent their thanks for what they had done
- It was estimated by Mr. Wilfore that about a third of the brands rerecorded, reported that they did not own livestock, but that he would not put a lot of credit to that number

**(4:10:10) 2:09 PM – REQUEST TO HIRE POSITION**

**(4:10:10) 2:09 PM – Request to Hire for a District 19 Investigator (Custer, Powder River, Garfield Counties)**

Ethan Wilfore requested that the BOL approve the hire for a District 19 Investigator that was currently based out of Miles City

- Mr. Wilfore reported that the current District Investigator, who had been with the DOL around 33 years, was retiring on January 31, 2022

**MOTION/VOTE**

**(4:10:46) 2:09 PM**

**Alan Redfield moved to approve the hire of a District 19 Investigator in the Brands Enforcement Division. Jake Feddes seconded. The motion passed.**

Mr. Wilfore explained that he thought all District Investigator positions had been posted externally and that the last two positions, District 4 and District 17, were lateral moves, but were the best qualified to fill those positions:

- Currently, Mr. Wilfore reported that there was still a District Investigator position open in Glasgow
- Mr. Wilfore said that District Investigators and the Eastern and Western District Supervisors and the Assistant Brands Administrator were POST-certified. He said even though the POST waiting list was about a year out, the DOL had been able to get into POST, many times, sooner, because of other State agencies not filling their allocated positions

**(4:14:29) 2:13 PM – DISCUSS 2022 MONTANA BOND BOOK (Criminal Penalties)**

The BOL discussed the new State of Montana Bond Book and recommended bond schedule issued by the Supreme Court that Mike Honeycutt had sent a copy of to them a couple weeks earlier:

- Mr. Honeycutt said that the BOL had previously talked about penalties and fines assessed by the BOL and whether or not they were high enough to actually deter a person from committing an infraction again
- It was pointed out by Mr. Honeycutt that the FWP recommended bond for selling, importing or possessing exotic wildlife, under Title 87, was \$1,035. For illegal importation of livestock, under Title 81, the livestock side, was just \$285
- Ty Thomas explained that the bond book was a tool they use and that when writing a ticket, some people chose to pay their bond right away, but, he could write the ticket and put a requirement on there that they must appear before a judge and let the judge decide their fate
  - When bond money was taken, Mr. Thomas said, many times it went to the Justice of the Peace, who took their monies out of it and then the county took their monies out of it and the rest, he believed, went to the State general fund
- Mr. Thomas said that a few years back, the District Investigator's ability to arrest had been taken away and he would like to see that ability to come back
- It was agreed by more than one of the BOL members to bump up the fines so that the Counties would take the time to process infractions
  - Mike Honeycutt explained that many of the DOL fines were set in statute and would require the Legislature to change them
- It was discussed for the BOL to look the Bond Book information over and see if there were areas that would be worth delving into for possible change
- At Gene Curry's request, Ty Thomas said he would visit with some County Attorneys to find out the threshold where they think it would be worth their while to process the fines, and would come back with that information for the BOL

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

**(4:30:13) 2:29 PM**

**(4:30:26) 2:29 PM - ANIMAL HEALTH BUREAU**

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

**(4:30:35) 2:29 PM – Bovine Tuberculosis (TB) Update**

Dr. Tahnee Szymanski updated the BOL on the status of the Bovine Tuberculosis investigations in the state of Montana:

- **Blaine County Investigation**
  - Dr. Szymanski reported that depopulation of the cow herd in Blaine County was completed and all of those animals had been moved to slaughter

- Out of the approximately 350 head that were moved, one additional infected animal was found at slaughter
  - For the 2021 calves, Dr. Szymanski said there was a slaughter channel for those calves to go into in South Dakota
  - Regarding the epidemiological investigation, there were still 84 herds
    - 26 with no testing requirements
    - 32 that had either completed all their requirements or all of their initial requirements to get them off quarantine. A handful of those would have to come back for a test in 12 months
    - 4 herds were in some phase of testing, waiting on gamma results
    - 10 herds were considered low priority, but, still required tests
    - The DOL still had a small batch of herds they were trying to reconcile to see if they were really associated with the investigation
  - Dr. Szymanski reported that just over 5,000 head had been tested so far
  - 89 caudal fold suspects had gone on to have a secondary test
  - There were three gamma-positives – two were completed and came out negative; the third was a heavy bred cow that was being allowed to calve out before euthanizing her and collecting tissues
  - The Bovine TB testing, according to Dr. Szymanski, would be winding down with calving season starting because the immune systems of those animals change during that time. Assurance tests would begin then in the fall
  - No results had been received from Montana FWP, Dr. Szymanski said, on the farm or wildlife surveillance studies in the area
    - USDA Wildlife Services had done coyote work for wildlife surveillance and also did an on-the-ground trapping effort to try and capture resident mammals
    - Montana FWP would probably take full advantage of the 2022 hunting season to get good deer surveillance
    - Dr. Szymanski said she did not expect to receive results on any of the wildlife surveillance until 2023
  - Dr. Szymanski commented that the Hi-Line producers had been gracious and tremendous to work with in what was a tough year for them
  - Dr. Szymanski said because of the limitations of live animal tests, animals must be tested multiple times over an extended period of time and even then, they weren't perfect tests
- **Madison County Investigation**
    - Dr. Szymanski reported that the quarantine had been released on the Madison County herd, based on two negative tests, but there were some cultures that were pending
    - 13 animals had tissues submitted for culture

- Results came back two days earlier that they were negative
- The Madison County herd, according to Dr. Szymanski, would have to come back in 12-18 months for an assurance test

**(4:41:12) 2:40 PM – OUT-OF-STATE/OUT-OF-COUNTRY TRAVEL REQUESTS**

Dr. Tahnee Szymanski reported that she had two out-of-state travel requests for the BOL

**(4:41:20) 2:40 PM – Out-of-Country Travel Request**

Dr. Tahnee Szymanski requested that the BOL approve the travel of Dr. Marty Zaluski to potentially travel to another country as part of a USDA review team:

- Dr. Szymanski said that neither the date nor destination of the travel was known as of yet, but, because of the relatively short turn-around time of being able to give a yes/no to the travel when it was offered, she was requesting that the BOL approve Dr. Zaluski's travel now
- USDA paid for travel, per diem and accommodations while in that country and the only expense to the DOL would be Dr. Zaluski's time, which he said was normally was about a week for these trips
- The subject matter covered during that time, according to Mike Honeycutt, would be learning about international import reviews and how countries get on the list to be able to import into the United States and how that, in turn, eventually affects us here in Montana
- Mr. Honeycutt said that these meetings, when reviewing a country's disease management programs to see if they're acceptable to USDA-APHIS' standards for international import, would not be done by ZOOM; you have to be there and see their procedures, what their controls are and how they are doing things

**MOTION/VOTE**

**(4:43:33) 2:42 PM**

**Greg Wichman moved to approve out-of-country travel for Dr. Marty Zaluski to participate in a USDA international program review team to evaluate the administration of disease programs. Jake Feddes seconded. The motion passed.**

**(4:48:56) 2:48 PM – Out-of-State Travel Request for WSLHA Meeting**

Dr. Tahnee Szymanski requested that the BOL approve the travel of up to three individuals to the Western States Livestock Health Association meeting to be held in Bellingham, Washington on June 5-8, 2022:

- Dr. Szymanski said the number of individuals attending the WSLHA meeting would depend on the agenda of that meeting
- Immediately following the WSLHA meeting, a composting exercise was scheduled, and plans were to attend that as well before returning to Montana
- No airfare expenses would be incurred, as the trip to Bellingham was drivable
- Two of the attendee expenses would be funded by cooperative agreement funds; the third attendee would be funded by Animal Health. Estimated cost was approximately \$1,300/person

## **MOTION/VOTE**

**(4:51:23) 2:50 PM**

**Nina Baucus moved to approve out-of-state travel for up to three individuals to attend the Western States Livestock Health Association annual meeting in Bellingham, Washington on June 5-8, 2022 and a composting exercise the day after. Alan Redfield seconded. The motion passed.**

## **(4:52:58) 2:52 PM – Request to Hire Animal Health Compliance Position**

Dr. Tahnee Szymanski requested that the BOL approve the hire of a full-time Compliance Technician:

- Dr. Szymanski explained that the vacated position was half-time and requested that it be reclassified as a full-time Compliance Technician in the Import Office. She said that the Animal Health Bureau had a full-time FTE allocated to do this change
- The half-time position was costing the DOL about \$29,000/year, and the new position would take it up to about \$57,000/year, including salary and benefits and it had been snapshotted into the budget, Dr. Szymanski said
- The requested position would be paid for primarily with per capita funds, with a small component of it being funded with Animal Health fees

## **MOTION/VOTE**

**(4:56:23) 2:55 PM**

**Greg Wichman moved to approve the hire of a full-time Animal Health Compliance Technician in the Import Office. Ed Waldner seconded. The motion passed.**

## **(4:57:20) 2:56 PM – Madison County Brucellosis-Affected Herd Update**

Dr. Tahnee Szymanski updated the BOL on the Madison County Brucellosis-affected herd:

- The first (post index) test of the Brucellosis-affected herd would be completed the following week
- Of the identified adjacents, the majority of those herds had already completed whole herd testing so there was very little additional testing required
- Dr. Liska completed a small group of heifers earlier this week and then a second small herd would be done on Friday of this week, which would take care of all the adjacents associated with the Brucellosis investigation
- The Brucellosis-affected herd would have a test prior to calving and then a test post-calving, and if there were no additional infected animals found, the herd should be able to be released from quarantine at that time

Dr. Szymanski reported that there was an animal that tested non-negative for Brucellosis on Monday, January 24, 2022 in Gallatin County.

- The animal was euthanized and taken to the VDL. After tissues are collected, they will be sent to NVSL with expected culture results to come in about 2-3 weeks.

**(5:00:07) 2:59 PM – Animal Health Bureau Emergency Preparedness Update**

Dr. Tahnee Szymanski updated the BOL on Emergency Preparedness Activities for the DOL:

- A planned ICS training, a continuation of the one conducted in the summer of 2021, was planned for December 2021, but had been pushed out to March 2022 due to the scope of the TB investigation
- 10 tabletop exercises will be conducted around the Secure Beef Supply Plan, made possible with monies secured from USDA and Homeland Security funding
- The National Pork Board recommended Montana for an upcoming functional exercise
  - Dr. Szymanski said that the National Pork Board would like to conduct an exercise in five states with a focus on depopulation and disposal this year
  - The National Pork Board's plan was to bring animals for attendees to go through the actual processes of depopulation and setting up compost on them
- There was a plan for DOL employees to go through a media training exercise, specifically targeting how to communicate with the media and external stakeholders, in the case of a large-scale disease outbreak
  - Mike Honeycutt said that it's not the type of training that a lot of the frontline staff have had, and some BOL members added that they had not had training like that either

**(5:05:58) 3:05 PM – Discussion on Required Transition to Electronic Health Certificates**

Mike Honeycutt said that he had added this discussion to the agenda because Alan Redfield brought it to his attention that there had been discussion happening around it:

- Dr. Tahnee Szymanski said that the DOL had been discussing the transition from paper health certificates or Certificates of Veterinary Inspection (CVIs) to electronic health certificates (CVIs) for around six years
- Starting in 2020, veterinarians were no longer able to purchase paper CVI books
  - It was hoped, according to Dr. Szymanski, that beginning January 1, 2021, veterinarians would be issuing all CVIs electronically, but, the Montana Veterinary Medical Association (MVMA) requested a delay, and so implementation of that was pushed out to January 1, 2022
- Dr. Szymanski explained that the rationale behind the push to electronic was the searchability and timeliness of that information and the efficiency of having the data put once into the system
- Explaining how the transition to electronic has been, Dr. Szymanski said that in 2020 about 23% of the 22,000 export certificates issued were paper; in 2021, 3% of the export certificates were paper; in 2022 just four paper export certificates had been received, for a total of .033%
- During a recent MVMA meeting, Dr. Szymanski said that veterinarians shared their most commonly heard concerns regarding the transition from paper to

electronic - how to issue those CVIs where there was no cell phone service and the cost of the infrastructure and technology

- Dr. Szymanski said currently there were two platforms in place for veterinarians to issue CVIs, and, in the coming months, she expected there to be three platforms
  - Some of the platforms available for electronic CVIs charge per certificate (\$3-\$8/certificate) and some charge a monthly membership and a smaller per certificate fee. A USDA platform and PDF are no-cost options that can be used for electronic CVIs
  - Dr. Szymanski said that paper CVIs cost veterinarians around \$1.50/certificate plus postage to mail them to the DOL
- To help defray some of the technology costs for veterinarians, Dr. Szymanski said that the DOL had made some funding opportunities available through ADT money received from USDA
  - Veterinarians can receive up to \$500 towards the purchase of an RFID reader and up to \$400 towards the purchase of other hardware (printer, laptop, etc.)
  - Dr. Szymanski said that the DOL had committed to any of the Montana markets that wanted to adopt the new Sale Time traceability model module, which gives them the ability to issue electronic CVIs out of the yards, some funding to help with implementation of that program
  - Dr. Szymanski explained that if a veterinarian was not in cell phone service at the moment a CVI was completed, most of the platforms would automatically email it once they got back in service. She added that truckers could take a picture of the completed certificate on their phone or tablet and move with that
- Dr. Jeanne Rankin, a veterinarian and rancher from central Montana, brought letters from four of her colleagues who, she said, were quite upset with the mandate of 100% electronic CVI where it doesn't work in situations
  - Dr. Rankin said that she was licensed in Wyoming and Colorado as well and that Montana was the only state requiring 100% electronic CVIs
- The letter sent by the DOL to some veterinarians regarding the electronic CVIs, threatened them with loss of accreditation, Dr. Rankin said, and that even though she had just written one paper CVI in 2022, she said she had received that letter saying she was in violation
  - Dr. Szymanski explained that if a veterinarian continued to fail to comply with the policy, the DOL's recourse would be to their Deputy State Veterinarian status, issued by the DOL, and giving that veterinarian the ability to be able to write CVIs. The DOL could not take their USDA accreditation status away
  - Dr. Zaluski said that if 3% of veterinarians chose not to use electronic CVIs and not have a Deputy State Veterinarian status, he believed that the majority of Montanans would still continue to be served by the Animal Health practitioners and the other Deputy State Veterinarians that had chosen to behave by DOL standards, adding that the few veterinarians

that chose to not meet those standards actually cheapened the efforts of the ones that had

- Some BOL members were not pleased with the wording of Dr. Zaluski's letter to veterinarians, one commenting that it was very offensive, saying that they were not aware the DOL was in the habit of threatening people, specifically with the loss of State accreditation. One suggested rewording the letter and another suggested that an apology be sent to those veterinarians who had received the letter
- Concern was expressed by Dr. Rankin that people were pre-signing their CVIs, which, she said, was a violation of their Federal accreditation. She said that there was a shortage of veterinarians in Montana and because of the demand for electronic CVIs, some of her colleagues had quit out of frustration
- Dr. Eileen White, a veterinarian out of Cameron, Montana said the letter from Dr. Zaluski was offensive and threatening and that she did not feel that the fact she never computerized cheapened at all what she had to offer her clients and added to let us have our dignity and let us do our work for the livestock industry
- Dr. Szymanski reported that those veterinarians who issued over 100 CVIs last year had all transitioned to electronic, and that the veterinarians who wrote paper CVIs only issued a very negligible number on an annual basis
  - Some of the BOL members wondered why there was a problem, with such a small number of veterinarians that issued paper CVIs, to let them continue to do so until they retired
  - Dr. Zaluski said that the "grandfathering" issue was discussed, but dropped because others who were doing electronic CVIs might backslide back into paper ones and the DOL would ultimately not make advances in electronic records
- Dr. Szymanski explained that the DOL does not have authority over veterinarians outside of Montana's boundary but encourages them to come in on electronic documentation because of the efficiency of data transfer
- One BOL member suggested that a veterinarian be able to use a certain percentage of paper CVIs each year so that they would not have to call the DOL each time they used a paper certificate
- A BOL member said to let the older veterinarians write their paper CVIs, but if the number of paper CVIs coming into the DOL increased to more than 3% or 4% the BOL could address it then
- Mike Honeycutt reminded the BOL that the CVI was a regulatory document and that last year when veterinarians were given a 20 paper CVI threshold, some issued 3, 4, 5 times 20 of them, signaling to him that they had no intent to ever comply
- Jenny Bloomquist, Association Coordinator for the MVMA, said that their board discussed electronic CVIs the previous week with two, older, large-animal veterinarians who had switched from the paper to electronic format. And after them sharing it was very helpful in their practices and that they adapted to it easily, the MVMA board agreed to not establish a separate committee to discuss electronic CVIs and to not ask the DOL for delayed action, but continue to work with the DOL to provide educational opportunities to get those who weren't on

board, on board or those having electronic challenges to continue to be able to have some protocol to still issue paper certificates, if necessary

- Jay Bodner, MSGA said that they established policy at their last convention regarding moving towards mainly, electronic brands, but it did include health certificates and support for moving towards electronic, but also paper
- It was decided by the BOL to bring the issue back to the next BOL meeting and vote on it then

**(6:16:14) 4:15 PM RECESS**

**(6:16:21) 4:26 PM RECONVENE**

**(6:16:31) 4:26 PM – MEAT & POULTRY INSPECTION BUREAU**

Alicia Love, EIAO Food Safety Officer for the Meat & Poultry Inspection Bureau introduced herself as representing Gary Hamel

**(6:16:44) 4:27 PM – Hiring Update**

Alicia Love updated the BOL on hirings and vacancies in the Meat & Poultry Inspection Bureau:

- Two Meat Inspectors had been hired, according to Ms. Love, including the Bozeman position that had been vacant for quite some time. The other position filled was in Kalispell
- The Kalispell candidate was scheduled to begin work on January 31, 2022 and the Bozeman candidate was scheduled to begin work on February 7, 2022
- One relief Inspector position for the Kalispell was still open

**(6:17:56) 4:27 PM – Cooperative Interstate Shipment (CIS) Program**

Alicia Love updated the BOL on the status of the Cooperative Interstate Shipment Program:

- An MOU had been secured with a South Dakota laboratory that Ms. Love said had the accreditation requirements needed to have a CIS program in the state
- Now that the accredited laboratory had been secured, Ms. Love said that she hoped to have an update from FSIS on the status of the DOL's CIS application soon

**(6:18:44) 4:28 PM – Request Permission to Hire**

Alicia Love requested permission from the BOL to fill the vacant Eastern District Supervisor position that was open due to a retirement:

- Ms. Love said that Marci Lipke, who had been the Supervisor for the Eastern District, retired on January 7, 2022
- The Eastern District, according to Ms. Love, was the largest district, geographically, but had less inspected plants there
- Mike Honeycutt shared that the DOL had, at one time, considered a plan to add another District Supervisor, because the Eastern District basically goes from the

Rocky Mountain Front to North Dakota and South Dakota, and even though plants were few and far between, a lot of efficiency was lost in drive time. Mr. Honeycutt said the plan had been dropped

## **MOTION/VOTE**

**(6:19:18) 4:29 PM**

**Ed Waldner moved to approve the hire of an Eastern District Supervisor in the Meat & Poultry Inspection Bureau to fill the open position. Greg Wichman seconded. The motion passed.**

Alicia Love expressed hope that the next round of hiring went smoothly so that the Bureau could get back to normal and basically not everyone has to be an Inspector due to shortage of staff:

- Mike Honeycutt said that Relief Inspectors had the ability to move around and plug in holes when somebody wanted to take a vacation or was sick and that he felt the Bureau needed more of them. He added that, according to the Code of Federal Regulations, because of “meets or exceeds” status, the DOL could not deny anyone inspection because they don’t have staff and that was another reason having additional Relief Inspectors was important
- Because of the State having more competition from the Federal Government with more plants going Federal, Mr. Honeycutt said the big topic of conversation the next time a collective bargaining agreement was negotiated for this group, would be conversations around salary
- Although the math hadn’t been done on it yet, Mr. Honeycutt said there was the consideration that the Meat & Poultry Inspection Bureau had been paying so much overtime, would it be cheaper to just hire another person

## **(6:33:42) 4:43 PM – MILK & EGG BUREAU**

Dr. Marty Zaluski introduced himself as the Interim Bureau Chief of the Milk & Egg Bureau

## **(6:34:00) 4:44 PM – Workload Review/General Updates**

Dr. Marty Zaluski updated the BOL on the workload situation and gave general updates for the Milk & Egg Bureau:

- Dr. Zaluski said he had gotten feedback from the Sanitarians that they were having a hard time covering the miles and obligations with just two Sanitarians
- Although the Milk & Egg Bureau had actually four Sanitarians at one point, Mr. Honeycutt said the math had not been done yet to see whether or not the fees were there to cover filling those positions
- The egg group fee income, according to Dr. Zaluski, was very solid, but, the dairy side fees were continuing to diminish
- Mike Honeycutt explained that the concentration of the state’s dairies were around Billings, Bozeman, Great Falls and Kalispell, and even though the number of them would be able to be covered by two Sanitarians, the dairies were

so far flung that the drive time to get to them was really where the stress was. Dr. Zaluski said, there was not a shortage of Sanitarians, but an excess of miles

- Dr. Zaluski said that permission was given to delay the review of the state's dairies as required by FDA, due to a shortage of staff and COVID

#### **(6:38:04) 4:47 PM – VETERINARY DIAGNOSTIC LABORATORY**

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

#### **(6:38:22) 4:47 PM – MVDL OPERATIONS UPDATE**

Greg Juda reported that he would give an update on some of the operational highlights at the MVDL

#### **(6:38:31) 4:47 PM – Update on Building Design Work with LPW Architecture and Clark Enersen Partners**

Dr. Greg Juda said the MVDL hosted the architects from LPW Architecture as well as Clark Enersen Partners on January 19-20, 2022 to review floor plans for the new Lab:

- Dr. Juda reported that talks went very well, and, in response to certain requests from the MVDL and Ag Analytical Lab, some things were shifted around
- There was a request to shield the necropsy drop off at the rear of the building from the main traffic corridors
- To have an east/west access into the building parking lot, a proposal was made to move the site more to the north, facing Garfield, rather than immediately being adjacent to the Marsh Lab, with access being an extension of Research Drive to the south
- When LPW discussed the proposal with Bozeman City Planning, there was broad support from them and the City of Bozeman for the concept
  - The architects hoped to have a ZOOM meeting in March with the MVDL and Ag Analytical staffs to be sure everybody was on board with the new proposals and didn't see any deal breakers for the plan they put together
- Dr. Juda said that LPW and Clark Enerson said they did not have much feedback yet from representatives of the Wool Lab and he thought, right now, that the new Wool Lab would be, potentially, a stand-alone building adjacent to the new Lab complex, but, it had not yet been decided

#### **(6:43:21) 4:53 PM – Year-Over-Year CWD and Brucella Test Numbers as of 1/21/22**

Dr. Greg Juda reported on the test numbers for Brucella and CWD in the MVDL:

- Dr. Juda said that Brucella and CWD made up about 50% of the testing done on an annual basis at the MVDL
- Dr. Juda said that between the Brucella and CWD testing numbers at the MVDL, they were at about \$9,500 less in fees than at this time last year
  - A little over 8,400 samples had been received, so far, for CWD, and last year, that number was 7,664. In terms of dollars, that is about \$10,500 in testing revenue

- Brucella samples received were a little over 700 fewer, in terms of FP, a screening test, than last year. That translates to a figure of around \$20,000 less testing revenue
- Dr. Juda said that the MVDL had done around 89,000 Brucella tests so far, compared to almost 95,000 last year
- Because the drought caused a lot of producers to ship their cattle, which could be a reason for the reduction in Brucellosis tests, Jake Feddes said that he did not believe that inside the DSA there had been a huge reduction of cattle, because they had irrigation
- Mr. Feddes said that spring moisture would mean that those shipped cattle would be replaced in short order, especially with the way prices were going

**(6:47:00) 4:56 PM – Update on NAHLN Funding Equipment Purchases Previously Approved by the BOL**

Dr. Greg Juda gave an update on some of the equipment purchases made at the MVDL with NAHLN funding:

- Dr. Juda reminded the BOL that the MVDL had received a supplemental \$187,200 back in September
- In November, the BOL purchased a tissue homogenizer that was utilized in the Lab's CWD assay, to replace a failed unit
- In December, a new ultra-low freezer for the Pathology section had been purchased to replace an aging unit
- A Microbial Sensitivity Analyzer for the Microbiology Lab section had been purchased in January
- A CO2 incubator that was a failing unit in the Microbiology Lab and incubators, budgeted in the NAHLN financial plan were also covered
- The liquid handling robot, used in Serology that significantly helped with throughput during peak Brucella testing season, was fully budgeted from the supplemental NAHLN funding pool
- An upcoming purchase will be the Thermo-Fisher Apex Extractor Unit that will replace two units in the Molecular Diagnostics Lab that Thermo-Fisher phased out

**(6:49:28) 4:59 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 to an individual for the Clinical Pathology Lab Technician position
- The individual had until the end of January to make a decision, according to Dr. Juda, as she was currently located in Fort Collins, Colorado.
- The individual had significant lab experience in Clinical Pathology, having worked in the private sector at IDEX as well as at the veterinary hospital at CSU

Gene Curry had some specific questions on budget numbers at the MVDL:

- Mr. Curry asked, regarding lab fees, why can't they be at the same time every month even if you are a month behind from when they were billed, and because of that, was there really a shortfall in Lab fees
- Dr. Juda explained that was why he was reporting test numbers outright to get a true apples-to-apples comparison
- Brian Simonson said it was an apples-to-apples comparison but, there was a correction that was going to show up between \$25,00-\$30,000 that would make the \$22,500 shortfall basically disappear. He added that last year was a banner year for revenue, so, even if there was a little deficit because the MVDL was not performing as much as it did last year, the DOL was still looking really good for revenue in the MVDL
  - Evan Waters explained that the error happened internally, when they billed the DSA and overcharged on one set of tests, but it was not caught until later in the year. In the end, it was cleared up, and so, at a later date, that would disappear
  - Mike Honeycutt said there was a change in accounting made where the DSA pays the MVDL directly rather than the veterinarians pay the bill to the MVDL and turn around and get a reimbursement for the same bill from another area of the DOL
- Mr. Simonson explained that the cost of supplies, particularly Brucella test supplies increased quite a bit, so they were spending more than they budgeted in the previous season. Dr. Juda said that CWD test kits had also gone up in price
- Dr. Juda said, there were some full-scale fee adjustments done in January 2020 that helped address some of the areas where testing costs were not commensurate with what they were spending on it
- Mike Honeycutt explained that since Lab fees were a proprietary fund, you have an authority figure given from the Legislature, just shy of \$1.2 million. But, once the Lab fee earnings were more than that authority figure, we could begin budget amending those additional funds in to cover expenses

## **CENTRALIZED SERVICES DIVISION REPORTS**

**(7:03:15) 5:13 PM**

**(7:03:15) 5:13 PM**

### **– FISCAL BUREAU**

Brian Simonson, Deputy Executive Officer and Chief Financial Officer for the DOL introduced himself and gave a couple updates from Centralized Services:

- The Purchasing position had been filled with a temporary employee from Brands, Valerie Dunlap
- Both Evan Waters and Buddy Hanrahan were both hanging tough and back in the office after having and being absent with some medical issues
- Mr. Simonson said that the Office of Budget & Program Planning (OBPP) had published their calendar just before noon that day, but that there were not a lot of changes

**(7:05:28) 5:15 PM – December 31, 2021 State Special Revenue Report**

Brian Simonson updated the BOL on the December 31, 2021 State Special Revenue comparison report:

- At the end of brand rerecord, the DOL was almost \$600,000 over where they were last year. Mr. Simonson said, month-to-month going forward, New Brands and Transfers numbers would start to look different
  - Evan Waters reminded the BOL that the new brands were amortized over a 10-year period, or on how many years were left in the period
- The Field Inspection numbers showed a \$35,000 negative, appropriate for what's going on out in the field, but, still showed the same basic amount of field inspections as were done last year at this time
- Market Inspection Fees were up \$206,000 over this same time last year, but there was a slowdown in comparison to last December, Mr. Simonson said because Fall Run came earlier this year
- Brian Simonson said that figures for the Milk & Egg Bureau and Per Capita fee did not have many changes month-over-month or year-over-year
  - Mike Honeycutt pointed out that the assessment numbers shown under Milk Inspection showed only a little under last year's numbers, telling him that even though some dairies had been lost and some had hit the cap, the volume of milk production probably stayed stable
  - Mr. Honeycutt said that there were still two open FTEs, but asked, that if there was a third Sanitarian hired in the Milk & Egg Bureau, even though there was some cash balance, would there be enough revenue to support it
  - There were rumblings, Mr. Honeycutt said, about increasing production out of Montana Egg Products and the possibility of running additional shifts at the plant in Great Falls. He said that currently, two people had been covering the egg grading work with 12-hour shifts and each working 40 hours/week
- Donations for the Voluntary Wolf Donation Fund had only grown by a couple thousand dollars, Brian Simonson said, and stood at \$24,000 for the fiscal year

**(7:15:08) 5:25 PM – January 2022 Through June 2022 Expenditure Projections/December 31, 2021 Budget Status Report**

Brian Simonson said that for the budget period, the DOL was right there with spending and that employment level numbers were still good:

- Mr. Simonson said a \$30,000 dive had been taken in salaries for Brands because of a \$55,000 payout
- The overtime numbers were cut in half compared to last year, so, \$30,000 rather than \$60,000, and the Brands overtime in December was decreasing
  - Mr. Simonson reported that as of December 31, 2021, overtime in the Meat & Poultry Inspection Bureau was at nearly \$48,000
- Under Operations and Contracts, the \$845,000 figure was \$200,000 more than at the same time last year
  - Mr. Simonson explained that there had been a lot of investigations and testing being done during the year from the Animal Health Bureau, but that

he felt there was still enough money in the federal umbrella to cover the cost, even if there were more of the same

- The VDL's number at \$672,000, was considerably higher than last year's, but no higher than what was budgeted. Mr. Simonson said that number was almost entirely for supplies
- On Other Expenses, the \$422,000 figure listed was artificially high because of people traveling to do testing and people traveling the state for Meat & Poultry Inspection, and those people staying in hotels. Mr. Simonson said those expenses would be moved from there with the pro-card
- Under Budgeted funds and Meat & Poultry Inspection Bureau, the negative coming in at \$79,000, had been a trend over the past couple of years, but was a nearly \$50,000 improvement from November to December
- Mr. Simonson explained that because of the market situation, Brands had put a dent into per capita fee projections and that the \$58,000 number was usually quite a bit bigger than that
- Mr. Simonson expected that the VDL number was probably a solid number for what would be needed in proprietary funds at the end of the year to cover
- Mike Honeycutt said that if the VDL did as well as they did last year, their funds could help erase the \$128,000 negative in Meat & Poultry Bureau at the end of the fiscal year, but that, at some point, the DOL would have to figure out how to balance that negative general fund figure in that Bureau
- Mike Honeycutt reminded the BOL that the vacancy savings rate required by the Legislature was raised to 5%, which he thought the DOL could manage
  - Alan Redfield said that the DOL was in a spot because when the Legislature said they would like to see more meat plants in the state, the DOL couldn't do with less personnel to take care of those

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

**(7:26:09) 5:36 PM**

Mike Honeycutt announced that Rachel Prevost from the MFU was the only one left from the public on the ZOOM call and Gene Curry invited her to comment:

- Rachel Prevost announced that during the MATE in Billings the MFU had an event coming called Winter Rendezvous where they would be talking about livestock market reports and have some opportunities to talk about rural funding with USDA

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

**(7:28:57) 5:38 PM**

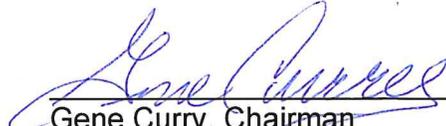
Gene Curry requested discussion on the best date for the next BOL meeting:

- Nina Baucus said at the end of February, beginning of March she would be on the shearing floor
- Alan Redfield said that they start calving during the last week of February

- Mike Honeycutt said that normally, because of those activities, the BOL skips a February meeting and goes into March, but that the Animal Health Emergency exercise was scheduled for March 16 and 17
- Jake Feddes said that basketball tournaments were over by then
- The next BOL meeting was scheduled for Friday, March 18, 2022

**MEETING ADJOURNED**

**(7:32:57) 5:42 PM**

  
Gene Curry, Chairman