



Montana Board of Livestock Meeting Minutes

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

November 14, 2023

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

Board Members Present

Gene Curry, Chairman (cattle producer)

Alan Redfield (cattle producer)

Nina Baucus (cattle producer)

(Greg Wichman was not in attendance)

William Kleinsasser (swine producer)

Jake Feddes (cattle producer)

Lily Andersen (dairy & poultry)

Staff Present

Mike Honeycutt, EO

Brian Simonson, Deputy EO

Evan Waters, Centralized Services

Dale Haylett, Centralized Services

Tom Shultz, Centralized Services

Rick Corder, Centralized Services

Mike Spatz, Centralized Services

Jay Bodner, Brands Enforcement

Ty Thomas, Brands Enforcement

George Edwards, LLB

Donna Wilham, Adm. Assistant to EO

Dr. Tahnee Szymanski, MT State Vet

Dr. Bradley DeGroot, Animal Health

Dr. Merry Michalski, Animal Health

Dr. Greg Juda, Director, MVDL

Alicia Love, Meat, Milk & Egg Inspection

Darcy Alm, Meat, Milk & Egg Inspection

Wes Seward, Brands Enforcement

Kelly Calnan, Brands Enforcement

Public Present

Ellie Brighton, MSGA

Celia Rigler, Governor's Office

Lt. Governor Kristin Juras

Dexter Burke, Bear Paw Livestock

Matt Eagers

JJ Nelson

Cheryl Curry

Forrest Mangan, Livestock Marketing
Association

MEETING CALLED TO ORDER

(:03) 8:00 AM

Chairman Gene Curry called the meeting to order at 8:00 AM

CALL TO ORDER AND INTRODUCTIONS

(:03) 8:00 AM

Chairman Gene Curry said the first order of business was Introductions, and he requested that Nina Baucus start those off:

- Nina Baucus, Cattle Representative, north of Helena
 - Ms. Baucus said that along with raising cattle and sheep they raised lots of predators.
 - She shared that the previous Saturday they had lions and on Saturday and Sunday a wolf and then a wolf again the night before. She said the grizzly bears had not come down and that was fine with her
- Lily Andersen, Dairy & Poultry Representative, south of Livingston
 - Ms. Andersen reported that along with their dairy, they also had some beef cattle. She said all had been going great
- William Kleinsasser, Swine Representative, Augusta
 - Mr. Kleinsasser said they had a hog barn and serviced the roaster market in California
 - Pig prices, Mr. Kleinsasser said, were in the dumps, just terrible. He said the value of the animals right now was lower than the cost of production, adding that it was a tough business
- Jake Feddes, Cattle Representative, Manhattan
 - Mr. Feddes reported that he had spent the last seven week driving through Montana, shipping calves, adding that every producer was really happy when he wrote them their check this year hearing multiple ones saying that it was the biggest checks they'd ever gotten. He apologized to William
 - The calves were light all over the place and he attributed that to too much moisture. But, producers were optimistic about the future
 - Mr. Feddes said they had bulls in the feedlot and could restart calving in about 60 days
- Alan Redfield, Cattle Representative, south of Livingston
 - Mr. Redfield reported that they got their calves shipped, cows preg tested, heifers bangs vaccinated and were now getting all the little jobs done they hadn't been able to get done last year because of all the snow
- Gene Curry, Cattle Representative, Valier
 - Mr. Curry reported that the lightest calf they had came off their pasture at Belt and he said they had grass up to their ears on that pasture this summer. He said that cattle in his country were coming in light as well, but it wasn't because of too much moisture because it was very dry and the further north you went the worse it got
 - Everybody he talked to, Mr. Curry said, were fairly happy with the cattle prices. He said they had a couple hundred heifers they planned to sell in about a month, and he hoped they sold well because in the past few weeks, it seemed like the market had softened up
 - Nina Baucus pointed out that even though they got paid well for their calves, if you figure what they had been paid 10 years ago and the inflation between now and back then, they didn't get paid very well at all. Jake Feddes said you don't want to think about that, but just look at the number on the check
- Mike Honeycutt wondered if Greg Wichman might be taking the day off, as he still wasn't on the ZOOM

- Ellie Brighton from the Montana Stockgrowers Association said she was here to listen to the meeting
- Forrest Mangan with the Livestock Marketing Association said that he represented the auction markets and was sitting in on behalf of Les Graham today

BOARD ADMINISTRATIVE ITEMS

(5:40) 8:06 AM

(5:40) 8:06 AM – BOARD APPROVAL OF PAST MEETING MINUTES

Gene Curry requested approval of the minutes of the last BOL meeting

MOTION/VOTE

(5:46) 8:06 AM

Alan Redfield moved to approve the minutes from the Montana Board of Livestock September 21, 2023 meeting. Nina Baucus seconded. The motion passed.

OLD BUSINESS

(6:12) 8:07 AM

(6:12) 8:07 AM – UPDATE ON GOVERNOR’S OGSM STRATEGIC MANAGEMENT AND EXECUTIVE OFFICER STRATEGIC GOALS

Mike Honeycutt reported that there was not a lot to share on the OGSM because he hadn’t had another Ops Review meeting since the last BOL meeting, but was scheduled for one after Thanksgiving:

- Currently, the BOL was still looking at the December 2023 Horizon, Mr. Honeycutt said, but would have to come up with more initiatives by the end of December for the next six-month Horizon which ran from January to June, 2024
 - Mr. Honeycutt explained that the objective didn’t change, the goal didn’t change and the strategies didn’t change. But, the initiatives and who was responsible and how the DOL was going to measure and report those did change
- The four strategies for the DOL’s OGSM were:
 - Support value-added processing in the state
 - Mr. Honeycutt said strategy dovetailed and aligns with one of the Governor’s overall OGSM strategies at the State level
 - Last time, the DOL was recruiting and training additional Meat Inspectors, working on GIS routing with Inspectors, cultivating CIS applicants (there were two applicants for CIS and eight that had expressed interest but not applied for State Inspection)
 - Effectively Monitor Animal Health disease Prevalence in Montana
 - Contract selection for the MVDL construction was done, with Swank Enterprises chosen. The next six-month Horizon would include actual site preparation, purchasing of equipment, such as

- the incinerator, so it would be ready to install in the building when that time came
 - Also on the December Horizon was implementing the Certified Swine Sample Collector training and completing the Madison County Brucellosis investigations
 - For the next six-month Horizon, Mr. Honeycutt said we'd see if there were any new disease investigations to wrap up and also get prepared to utilize the National Animal Health Lab funding of \$287,000 to spend over the next couple of years
 - Maintain Integrity in Livestock Identification Marketing and movement
 - The DOL had been conducting compliance auditing at the livestock markets, but, that would come off for the next Horizon because that was something not done at this particular time of year
 - New application and license procedures, based on the past Legislation rule changes
 - Determining the sites and locations for livestock truck stops would probably not be left on the Horizon for the first six months of the year, because that was something that wasn't done until summertime
 - Improve Online and digital Services for Real Time Data and Improve Speed of Commerce
 - There were new HB10 Initiatives and the BOL had been getting updates on the Google Document project that would allow inspections to be scanned into the system and work would still be going on that
 - The refinement and enhancement of the Brands software would be something for the next six-month Horizon after Fall Run and things slow down. Although the implementation stage was past, there were still five or six enhancement stages ahead
- Mike Honeycutt said that even though there hadn't been an Ops Review meeting since the last BOL meeting, the DOL had still been tracking quarterly slaughter figures, tracking the DOL budget, tracking DOL vacancies and tracking market cattle movement. He asked the BOL for any ideas for the next Horizon saying that not all had to be new, because he did not want to completely take off the old until the BOL felt confident everything had been done with them that should be done
- Mike Honeycutt explained that the Madison County Brucellosis investigations were still not complete, but still in green, along with some other items listed in green but not complete as well, because that meant the DOL was making appropriate progress towards completion. If something was in yellow, it meant progress was behind and if an item was in red, it meant that the progress had been stopped
- Regarding the Brands software, Mr. Honeycutt said all the data migrated from the old software system to the new, the system was live and in use. He said that there would still be another initiative listed for the next six month's Horizon

however, because there was still work to be done

NEW/BUSINESS/EXECUTIVE OFFICER UPDATES

(21:03) 8:21 AM

When Nina Baucus asked if producers had an opportunity to add OGSM goals they would like to accomplish, Mike Honeycutt said that with the upcoming stakeholder meetings coming up, such as Woolgrowers, Stockgrowers and Cattlemen's, that was where people had the opportunity to provide feedback of things they want the DOL to work on

(23:23) 8:24 AM – HUMAN RESOURCES UPDATES

Mike Spatz, Human Resource Officer for the DOL, introduced himself

(23:31) 8:24 AM – Staff Openings, Recruitment and General Updates

Mike Spatz updated the BOL on things happening on the HR side of things at the DOL:

- Mr. Spatz reported that the DOL was actively recruiting for 11 positions in the DOL, adding that even though it seemed heavy for what was normally done, there were a couple of those positions that had taken a long time to fill, such as the newly-approved Meat Inspection positions
- Since the last BOL meeting, the DOL had lost four people, but, three had been hired and they had interviewed for the Assistant State Veterinarian position and had made an offer for the Attorney position
- Mike Honeycutt said that the day before, they had gotten a decline on the Attorney position and would be going back with the team that was part of the selection committee to ask them if one of the other candidates were somebody they wanted to look at or open it up and continue to look for someone else to fill that role
- Mike Honeycutt shared that Ty and Jay had been on their way to interview two candidates for the Western Livestock position in Great Falls and both had dropped out that very morning. He said one had applied for multiple positions in the DOL but decided they didn't want to work in Vaughn
- Gene Curry said that he had stopped at the DOL office at Western Livestock last Friday night and visited with staff there. One of the employees there thought that the internet speed was causing some of the market problems they were having
- Gene Curry questioned why the DOL had to continue to approve replacement hires. He said it seemed like micro-managing and in his entire tenure here, the BOL had never denied a request to fill a position. He added that the employees at the Western office were concerned about the hiring process but they needed a body there due to the Fall Run situation
 - Nina Baucus said sometimes the DOL delayed in hiring because of vacancy savings
 - Mike Honeycutt said that the DOL wouldn't ask the BOL to fill a position until they knew the DOL was financially ready to ask for it. He said that sometimes, because the payout of an exiting employee was \$30,000 or \$40,000, the DOL might not replace that position for six months. He said

that the BOL approval was listed in the DOL Policies and Procedures when he arrived at the DOL

- In conversations with Mike Spatz, Mike Honeycutt said they had talked about situations where sometimes a position was posted before BOL approval to hire because it was a critical position, but the actual hiring process wouldn't be started until official approval was given by the BOL to do that hire
- Jake Feddes requested that Mike Spatz print out for him pay ranges for Market Inspectors and Livestock Investigators on the job posting. Mike Honeycutt said that Market Supervisors receive \$25.80/hour, roughly \$50,000 to \$60,00/year and District Investigators received around \$27/hour, but that did not include longevity

(36:33) 8:37 AM – Update on Moving/Housing and Relocation Assistance (Board Requested Item)

Mike Spatz reported that he was bringing back some information regarding a question from the last BOL meeting about housing relocation assistance and moving assistance:

- In the past, Mr. Spatz said, the Agency offered a lump sum of roughly \$1,500 that he had seen
- Mr. Spatz said that the new State of Montana Pay Policy said that all lump sum payments were contingent upon funding by the Agency but had to be approved by State Human Resources, meaning that the Agency did not have the ability to improve lump sum payments on their own, but it had to go through State Human Resources. The total amount that could be offered was \$7,500 for any type lump sum payment and it would now be called a sign-on bonus rather than moving relocation assistance
- Alan Redfield said that calling something a bonus was a big red flag because the IRS would nail people horribly on that bonus. Mike Honeycutt said that when it was housing assistance before it was still taxable income, but you had to claim it at the end of the tax year, which was different than getting it as one lump sum payout, which gets a disproportionate amount taken for income tax

(41:18) 8:42 AM – End-of-Year Performance Evaluations

Mike Spatz reported that the year-end performance evaluations were happening for the State agencies and all employees were required to participate in the process:

- Mr. Spatz said that the DOL employees received information on this at the beginning of November and that they should have their self-evaluations filled out for their Supervisors by the end of the month and the entire process should be completed by mid-January
 - The information input by both the Supervisor and the employee during the evaluation was held within what was called the Talent System and Mr. Spatz said he had access to all of that and could track those if there were performance issues
- Mr. Spatz reported that a lot of the reason people had left their positions at the DOL was for family reasons, but that some found other work, but pay was not the primary reason people were leaving. In the Meat Inspection area, Mr. Spatz said

that some didn't like the travel and goriness of the work. He said he had not been hearing that people were leaving because of telework availability

- Mike Honeycutt explained that about half of the DOL staff were fully remote prior to COVID, the District Investigators and all of the Meat Inspectors. But, there were a high number of positions that weren't eligible for telework because of the nature of their job, including market staff and VDL staff. He added that there were a high number of DOL staff that were eligible for remote work and refused it
- Mr. Honeycutt said that across all State agencies, it should be an equal playing field because if there was a compliance person in the DOL office who qualified for one-day-a-week telework, a compliance position at DPHHS should also only be qualifying that person for one day of telework, because it became a competitive disadvantage if it was otherwise
- Mike Honeycutt said that the DOL was actively recruiting for 11 positions, but that was less than 10% vacancy and that was actually a pretty good place to be compared to other areas, where some areas of State government were struggling with 25% to 30% vacancy rates. He said that what the vacancies were and what the timing of year was could put more pressure on the DOL
- Mike Spatz said that recruitment slowed down for everyone close to the Thanksgiving/Christmas/New Year's holidays
- Over the last year, Mr. Honeycutt reported that there were a lot of internal transfers not only meaning that people were getting promoted, but that they were moving on to other things in the DOL they were more interested in doing
- Mike Honeycutt said that the DOL wanted to work with the Department of Labor regarding working with FFA to help them become interested in working for the DOL in the Brands Market area, but the bandwidth to get a program in place had not yet been found. He added that it had become a real tough thing to find people to work in the DOL that had some ranch skills and in some cases it meant hiring someone without that exact skill set. It was a pretty good opportunity for people starting, though, because they get a salary, plus State retirement and healthcare
- Jake Feddes said that for the Brands Division the DOL needed to start working on a plan for when half of the local guys quit because the Local Inspectors were getting older and older and older. He said that Washington was going to self-inspections
 - Mike Honeycutt reported that there has been some pushback from some Local Inspectors who said that if more Inspectors were added, it would take business away from them. He said that some of those Inspectors were creating a problem when they didn't answer their phone as much as they used to and they were not employed by the State. But, if a day came that half of them left how many State employees would have to be hired to replace them? Was the inspection fee enough of an incentive to keep them working
 - Alan Redfield said that their Local Inspector Jim was almost 90 and pretty slow, but, he got the job done. Gene Curry said they pay their Local

Inspector well over \$1,000 for about three days of work and that was worthwhile for him to come out

- Nina Baucus said that a lot of the Local Inspectors that go for one or maybe a half dozen animals and had driven 25-30 miles to get there and still had a trip home, they do that because they love the industry but it's costing them money to do that
- Mike Honeycutt reported that 70% of the inspections that were done in Montana were done by Local Inspectors in the state and that was how the DOL was able to have only 140 employees because if the Local Inspector weren't there, there would be 500 or 600 people working for the DOL as staff with all the benefits
- In talking with young producers, Mike Honeycutt said he had approached them about becoming a Brand Inspector and they just say they're too busy with their own ranch and family. He said he'd like to challenge that if you're good and you answer your phone, you'll make money and if you could get three or four Local Inspectors in a neighborhood, not related to each other, that would take away a lot of the pressure by organizing shipping days. Mr. Honeycutt said a complaint he gets from Local Inspectors was that they'll get four calls from people on the same day and they can only go to one place
- Mr. Honeycutt thought Brand Inspecting would be a great opportunity for Ag Teachers who needed some additional income and they could train their students as well. He said it all depended on the area of the state, because there were some areas of the state where there's not a lot of cattle and you lose people because the distances to the cattle are further and the number of cattle to inspect was not as many, making it not as winning of an opportunity
- The BOL could put together an initiative that could feed down to the staff and the people in charge to set some targets for bringing on new Inspectors and maybe also get from them the percentage of Inspectors that were currently in place but may not be in place within five to 10 years
- Mike Honeycutt shared a story about a certain area of the state where more auditing should have been done, and when more auditing was done, two Local Inspectors were lost, putting more pressure on the Local Inspectors that were there

(1:21:24) 9:22 AM – YELLOWSTONE BISON EIS UPDATE

Mike Honeycutt reported that there was not a lot of an update on the Yellowstone Bison EIS Update because there had not been a record of decision issued as of yet:

- Mr. Honeycutt said to recap, the EIS encompassed three alternatives for the population range of Yellowstone Bison
- Alternative #1: 3,500 – 5,000; Alternative #2: 3,500 – 6,000; Alternative #3: 3,500-7,000
- Mr. Honeycutt explained that in Alternative #1 the emphasis was placed on administrative harvest and hunting as the primary removal tools. On the higher end of the population numbers, quarantine would be prioritized and shipping live bison to Tribal Partners would be the primary tool for managing bison population

- Governor Gianforte issued a letter, signed by Mike Honeycutt for the DOL and Dustin Temple for FWP that pointed to a lot of things that hadn't been considered within the alternatives, such as no mention of disease suppression and no efforts to actually try and control Brucellosis within the buffalo herd
- Mike Honeycutt commented that he thought it was a true statement that everyone involved, except the State, was making the assumption that the current zones of tolerance would always exist as they exist today. He said that at IBMP during public comment, people really took objection to the mention that the tolerance was there now and you're making the assumption that maybe more tolerance in the future will be there in some of the alternatives
- From the DOL perspective, Mr. Honeycutt said very strong statements were made at IBMP that the DOL would like to see them at least analyze the possibility of doing something to manage the prevalence of Brucellosis within the Yellowstone bison. That should not be left off the table or taken for granted
- Mr. Honeycutt said he had no idea when Yellowstone's final Record of Decision would come, but said that ideally process-wise, Yellowstone would pick one of their alternatives and give justification for why they picked it and address the public comments they received
 - Gene Curry said that his thought was to expand the hunting zone a little further into the Park so that we don't just have a slaughter line at the zone boundaries. Mike Honeycutt said that in their current EIS none of the three alternatives address a change in how things might be managed that way, other than there was a strong desire for the Bison Conservation Transfer Program to be a more primary tool for how populations were managed
 - Mr. Honeycutt explained that the Bison Conservation Transfer Program involved a process of bringing animals into quarantine, removing the Brucellosis positives, containing the negatives until they get through the quarantine protocol and testing required to be Brucellosis-free and then move them mainly onto the Tribes within the Inner Tribal Buffalo Council across the United States
- The history of why there was an EIS, Mr. Honeycutt said, was that the last EIS that had been done led to the Record of Decision around the year 2000 that created the establishment of the IBMP and the initial adaptive management plan that was in place. Lawsuits in recent times towards the Federal partners had come about because of events that happened on the landscape that had not been studied in an EIS, but instead management action had been put through the National Environmental Protection Act (NEPA) and the Montana Environmental Protection Act (MEPA) process. Mr. Honeycutt explained that when the last EIS and Record of Decision were done, there was no bison quarantine, no zones of tolerance in Montana and no Bison Conservation Transfer Program. He said the zones of tolerance were done by an EA by the State. And now the process for updating their EIS had started. Mr. Honeycutt said that as a cooperator, the DOL was able to participate on the front end of the EIS process, giving thoughts and ideas for what should be studied

- Mike Honeycutt said that the DOL had also been tapped to be a cooperating agency on the BLM Sage Grouse Plan changes that were being studied because we were a government agency that had a strong vested interest in how those policies play out because they affect what was done at the DOL
- Dr. Tahnee Szymanski thought that around 1200 bison had been removed from the Yellowstone bison population this year through Tribal treaty hunting on Federal unclaimed grounds. Mr. Honeycutt said that the quarantine protocol this year yielded 282 bison that, if they passed all the tests, would be certified Brucellosis-free and eventually be distributed to Tribes. He added that the bison population in the Park going into this year was 4800-5200 and even though Yellowstone did not put forward an exact target, they left the door open that they would support removals of up to 1100 bison this year, bringing the bison population back to 4000 to 4500 for next season
 - Mike Honeycutt explained further that Federal unclaimed ground in that landscape was all Forest Service ground, and that was where the Tribes were allowed to hunt the Yellowstone bison. The area that most bison migrate out of the Park was towards the north in an area called Beattie Gulch, and that was where a lot of the hunting took place
- Alan Redfield said that the Yellowstone Park Ecologist said that the range management policy that we do was wholly outdated. Mr. Redfield said the Park was overgrazed and that they had discounted what he considered, information put together by good range people. He added that there was a cheat grass environment already in the Park
- Mike Honeycutt referred back to the Governor's letter, saying that the DOL and FWP contributed their disagreement in that letter on the range science in the Park and that some of the reasons there had been big migrations of bison out of the Park was because of what was happening inside the Park with the numbers that they're trying to sustain on the landscape, because it's not just bison grazing, but elk as well
- Alan Redfield shared a story about a lady who lived next to the Beattie Gulch area and her and others living in that area having to deal with the gut piles from the bison hunts
- Alan Redfield complimented Mike Honeycutt and Dr. Tahnee Szymanski on how they do a good job at the IBMP meetings keeping their cool in what he said could be frustrating at times

(1:45:21) 9:46 AM IBMP UPDATE

Mike Honeycutt updated the BOL on the most recent IBMP Meeting held in Chico Hot Springs on October 31, 2023 that he and Dr. Tahnee Szymanski attended:

- Mr. Honeycutt said that he and Dr. Szymanski attend the IBMP meetings, sitting at the table as partners who have a vote, along with the Forest Service, USDA APHIS Veterinary Services, the Intertribal Buffalo Council, CSKT Tribe, the Nez Perce Tribe, the National Park Service and Montana FWP. Alan Redfield attended the meeting as a member of the public

- During the meeting, Mr. Honeycutt said several Adaptive Management Plans were put forward, one which could be interpreted to read that the partners were endorsing the entire Custer-Gallatin National Forest for Yellowstone Bison to roam freely rather than being confined to the current areas of tolerance
 - Two other of the new Adaptive Management Plans were attempting to remove disease suppression, and so the DOL did not consent to those plans
 - Mike Honeycutt said that he might agree that those disease suppression tactics might be outdated in the old Adaptive Management Plan, if they were removed, he wanted them to be replaced with some different actions and wanted to come to the table and discuss alternatives in a public meeting rather than coming up with alternatives right off the top of their head at that day's meeting
- The discussion of the Winter Operations Plan went well, Mr. Honeycutt said, because after four years of no agreement being made on a new plan, there had been a push made to make that Plan less high-minded and to be an actual tactical operations document that listed the responsibilities of each partner, working under their own legal authority
- Mr. Honeycutt said that something that the DOL would probably add to their portion of the Winter Operations Plan would be that when there was a need for hazing of Bison, they would partner with the Tribes to help with that so that they would know where the bison were located
- A couple of the IBMP Partners requested that a Citizens Working Group be put together that could give advice to the Partners about what to do. Alan Redfield had commented during the meeting that he'd like to hear from the multi-generational ranchers and what their concerns were. Mr. Honeycutt said that he did make mention at the meeting that with the public, he thought the Partners owed them whatever side of the issue they're on to be clear with them about what their expectations should be. He added that he didn't want to give the impression to the public that the IBMP was a Legislative body, but some of the changes they want needed to be made by the Montana Legislature or even Congress
- Mike Honeycutt said that both he and Tahnee were a part of the Partner Protocol Subcommittee and that during some of the discussion some of the folks were upset that decisions must be a consensus of the Partners, meaning unanimous, not a majority
- Conversation at the IBMP meeting also addressed adding extra Partners to the table and Mr. Honeycutt said he didn't know if that was a positive or negative thing to do and was still weighing out that option. It had also been agreed upon that to be a Partner at the table that person had to have some direct role in bison management. He said that as this year's Lead Partner there was a cost, part of which was that the DOL must pay the bill for the Facilitator
- Mike Honeycutt said that there had been a dump fee charged for disposal of the bison offal into the Gallatin County landfill from this year's Tribal bison hunt
- Nina Baucus spoke about the destruction of the vegetation in the Park because of the numbers of bison allowed to be in the Park and wondered if that could be

considered as deliberately encouraging those diseased animals to come into Montana because there was not enough feed to take care of them

(2:10:22) 10:11 AM Upcoming Stakeholder Organizations Conferences

Mike Honeycutt updated the BOL on the upcoming Stakeholder Organization annual meetings:

- Mr. Honeycutt reported that the Montana Farm Bureau and the Montana Farmers Union had already held their annual events
- The Montana Woolgrowers event was scheduled for November 30-December 2, 2023
 - Dr. Tahnee Szymanski was part of the agenda for that event and Mr. Honeycutt thought that Greg Wichman was on the agenda to give a BOL Update
- The Montana Stockgrowers event was scheduled December 9-December 12, 2023 and Mr. Honeycutt said that the DOL had been asked to provide an update to the Cattle Health and the Brands Committees on the Friday of the event
- Montana Cattlemen's Day was scheduled for December 10, 2023 in Great Falls and Mr. Honeycutt said that he, Dr. Tahnee Szymanski and Jay Bodner would be in attendance at that event on Saturday
- The Montana Bison Association had invited Dr. Tahnee Szymanski and Mike Honeycutt to their meeting, scheduled for January 5, 2024

(2:13:08) 10:14 AM RECESS

(2:13:11) 10:30 AM RECONVENE

CENTRALIZED SERVICES DIVISION REPORTS

(2:13:18) 10:31 AM

Brian Simonson, Deputy Executive Officer, Chief Financial Officer, introduced himself

(2:13:37) 10:31 AM – FISCAL BUREAU

(2:13:37) 10:31 AM Request to Backfill Vacant Position(s)

Brian Simonson requested that the BOL approve the hire of a vacant Compliance Specialist position in the Milk Control area of the DOL, and if that position was filled by an internal hire, to approve backfilling that position

MOTION/VOTE

(2:14:53) 10:32 AM

Jake Feddes moved to approve the hire of the vacant Compliance Specialist position in the Milk Control Bureau and also to approve backfilling the position that person held if the hire was an internal one, as presented by Brian Simonson. William Kleinsasser seconded. The motion passed.

(2:16:26) 10:34 AM Request to Hire ITS Position

Brian Simonson requested that the BOL approve the hire of a vacant IT position and if that position was filled by an internal hire, to be able to fill that position also:

- Mr. Simonson explained that the DOL's three FTE IT area was down to two positions. The CIO position shared with the Department of Agriculture had been filled for a while now, but, according to Mr. Honeycutt, the IT area was running very lean right now with just two people and he did not think that they could get the job done with just two FTEs
- The new CIO has had time to review the vacant DOL IT position and identified that with the Brands improvements and other initiatives going on in the DOL, there was a need for someone who could write code for ServiceNow and also do other application management, which would be a step up from what the vacant position had done before
- Brian Simonson said that even though the learning curve for the Brands software was going to slope off, there was still a whole \$1 million of HB10 that started in FY2024 in Animal Health Improvement to move forward with. Mike Honeycutt reminded the BOL that VDL needed to be serviced as well, along with the market people
- Jake Feddes said he thought the idea of the new CIO position was to get rid of IT personnel, but now the DOL would have to still pay for three IT people PLUS pay for half of a CIO as well
- Mike Honeycutt said that prior to the hiring of the new CIO position, Buddy Hanrahan was a hybrid, acting as a CIO and doing a lot of support work as well. He said the top management piece was taken care of with the hire of the new CIO, but, the support area was now missing from the DOL IT group
- Nina Baucus said she felt that the DOL very much needed the third FTE in the IT area because of so many things going on, adding that she didn't feel we could function without it

MOTION/VOTE

(2:25:25) 10:43 AM

Nina Baucus moved to approve the advertising to hire a vacant IT position. If that position is filled by an internal candidate, approval is given to backfill that vacated position. Alan Redfield seconded. The motion passed.

Nina Baucus extended a thank you to Dale Haylett and Tom Shultz for continuing to hang in there because it had not been easy for them to do so. Gene Curry extended a thank you on behalf of the entire BOL to them. Mike Honeycutt said that the DOL appreciated them having to answer after-hours phone calls

(2:28:27) 10:46 AM October 31, 2023 State Special Revenue Report

Brian Simonson explained that there were two months of additional revenue in this report since the last BOL meeting and about three to four months in total for the year:

- Mr. Simonson reported that there was no difference between the Rerecord Brands numbers from 2023 and 2024, meaning we were completely through the rerecord cycle

- The shortage in Market Inspection Fees of \$83,000, Mr. Simonson said, could probably be explained because of timing, as he said he and Jay Bodner were pretty affirmative that the throughput through the markets looked better than what was shown in the report
- Mike Honeycutt said the numbers do not show the activity of the last week of October because when the money was deposited in the bank it didn't show up as October revenue. Brian Simonson said that \$83,000 difference happened in the last two months and is a timing issue if it wasn't a product of the summer, but, that number would improve
- Mr. Honeycutt said that the \$133,521 in Market Inspection fees represented about 66,000-67,000 head of cattle. The Field Inspections number represents about 55,000 head of cattle, because those are individual. But, through this point in the year, about 120,000-130,000 head of cattle had been inspected by DOL employees. The number of cattle inspected by Local Inspectors, which were the vast majority of inspections being done, do not show up on the balance sheet
- Jake Feddes said that even though the number of calves sold on the market was high this summer, there were still some calves left. He said that because of flies, bulls couldn't get cows bred in some areas and there were still some 50% open in some areas. He said he expected to see numbers come up and going through the markets through January
 - Alan Redfield said in eastern Montana during the summer there was a big problem with stable flies, sharing a story about some cows submerging themselves in the Milk River to keep from getting bit by the flies
- Mr. Feddes said that he wouldn't expect per capita fees to go up much for a while because animals were being sold because they were worth a lot of money. Many of the heifers that had been sold were going to feed lots and then to slaughter and were not getting bred. He said that steer numbers were down nationwide and feedlots were filling up with heifers and the bred cattle market was not near what anyone thought it was going to be two months ago
- Mr. Simonson shared that Investment Earnings were showing almost double the return of what they did in the prior year and that in the prior year they were already 10 times what they were the year before that
- Two smaller dairies were lost and those Milk Inspection numbers were a negative \$6,000 compared to what they were last year
- Mr. Simonson pointed out that the VDL numbers were a misprint and that the real number was \$279,991, a positive difference of \$7,738
- Mike Honeycutt gave kudos to Brian Simonson and Evan Waters for sitting down with every management group each month to go through their budget, even down to the individual transaction level if needed to get numbers for the report

(2:41:04) 10:58 AM November 2023 Through June 2024 Budget Projections Report
 Brian Simonson reported on the November 2023 through June 2024 budget projections:

- Mr. Simonson said that the Overtime number of \$81,249 had gained \$71,000 in the past two months, but it was to be expected because Fall Run had begun. Mike Honeycutt added that it was requested last Legislative Session to plus up

that overtime and now the DOL was actually getting the authority for that increased overtime

- The Personal Services budget number of \$267,865 was half the plus up for overtime Mr. Honeycutt had alluded to and the other half was on the Egg side of the house where there were a couple of unfilled FTEs
- The \$157,079 Contracts number, Mr. Simonson said was predominantly from Egg, with the remainder having some built in inflationary numbers in CSD and Brands. He further explained that Legal Fees were down and so that accounted for some bigger numbers in that area
 - Mr. Simonson explained that extra revenue was put in Contracts under Egg as a marker. Mike Honeycutt further explained that the extra was put into the Egg area just in case Montana Egg Products hits a point of going to a seven-day-a-week operation with 24-hour days and more Inspectors were needed
- Because the VDL and CSD were behind compared to this same time last year in what they were spending, the Supplies number of \$60,271 was a little big, Mr. Simonson said
- The Brands number was big compared to the year before because of a \$30,000 plus up from the EPP request. Mr. Simonson reminded the BOL that this was a one-time-only plus up
- The \$16,568 in the Transfers section is where the new CIO transfers were occurring. Mike Honeycutt said that DOL portion of \$55,000 for the CIO was a little less than half of what the full salary and benefits for that whole position was that was shared with the Department of Agriculture. Also, Mr. Simonson said that the budget number of \$400,395 was divided between \$240,000 for elk capture and collar and \$100,000 to the Department of Revenue for collection of per capita fee processing and revenue. He added that this number would grow month to month now that the transfers for the new CIO had been figured out
- To answer Gene Curry's question regarding expanded egg production by the Colonies, William Kleinsasser said that there would be five barns coming on in 2024 and after that they would keep it where it was for another 2-3 years
 - Mike Honeycutt roughly figured that those five barns would up egg production in the state by 10% to 15%
- Brian Simonson explained that the negative \$43,000 in VDL fees was an expectation that they will be that much over their authority right now, which he said was not too bad for this time of year
- Mike Honeycutt said that Lily Andersen would have some updates to share on Milk Inspection fees and that Evan Waters had prepared a document on those fees that would be shared later

(2:54:58) 11:12 AM October 31, 2023 Budget Comparison Report

Brian Simonson reported on the October 31, 2023 Budget Comparison Report:

- Mr. Simonson explained that with October of 2023 having three payroll cycles and November of 2022 having three payroll cycles, that made about a \$300,000 plus of difference in the numbers, but that next month those numbers would be caught up in comparison

- The year-to-year comparison number of \$725,000 in Personal Services was artificially high by \$300,00 to \$350,000 because of that payroll cycle and also the remainder was because of the HB13 \$1.50/hour or 4% payroll increase
- The \$53,000 Contracts number, Mr. Simonson said was because he thought we were ahead of schedule, as he thought we spent more this year than last year and that was the same story for the \$73,000 in the DSA
- Brian Simonson said that they were praising Dr. Juda for being great on Supply management, but Dr. Juda said to wait, because there were still some big bills hanging out there
- The Motor Pool expenses and VDL rent was more than the previous year, but within reason and would start to look more normal as we go forward, Brian Simonson said
- The \$23,534 in Other Expenses were some of the Meat & Poultry indirects for the most part, Mr. Simonson reported and that number would go back down as we move forward
- Brian Simonson said that the Depredation Remediation was a new area related to the LLB receiving \$150,000 claim funds through subsection C last year in HB2. The \$72,780 listed there was the amount of claims processed in LLB as of October 31st
- Mike Honeycutt pointed out that there was some increase in expenditures because there was a greater inflationary plug. He added that the ITSD bill, rent and utilities for the DOL buildings had also gone up. Brian Simonson said that Supply budgets grew by more than 10%
- Brian Simonson pointed out the notes at the bottom of the report showing that Personal Services was 30% expended with 31% complete. Budget Operations were 26% expended with 25% of the budget year lapsed
- The HB2 Subsection C budget was \$17,962,320, Mr. Simonson said. The \$1,766,262 number represented things that didn't fall into HB2 but were still statutory-appropriated, such as the money paid to Wildlife Services and the money that comes to LLB. Also included in that was grants, such as Farm Bill and NAHLN
- Brian Simonson explained that on page 14, CSD's HB10 dollars of \$688,958 were categorized into Wildlife Services for \$575,000 and Wolf Management for just over \$100,000 in tangible assets. Mike Honeycutt further explained that HB10 funds were appropriated by the Legislature to the Department of Administration and to ITSD where they're managed from there and then they are the ones accountable to reporting to the Legislative Finance Committee how those funds were being spent
- Mr. Simonson said that the \$62,477 Personal Services listed on the budget to actual expenses comparison report on page 13 was detailed on page 18 and it came out of the DSA, a Federal Animal Health disease grant

(3:10:31) 11:28 AM – MILK INSPECTION FEES DISCUSSION

Mike Honeycutt shared a document with the BOL that had been shared with the Montana Milk Producers regarding the milk inspection fee situation to help work proactively towards a solution:

- For the current fiscal year, Mr. Honeycutt pointed out that in the Milk area of the DOL, for the three-plus Milk personnel, including three Sanitarians and a little bit of management costs, projected costs would be \$379,260
 - Personal Services expenses were projected to be \$320,000
 - Operating Expenses were projected to be \$59,200, which would include cost of the leased vehicles
- Estimated revenue in the Milk area of the DOL for the current fiscal year was estimated to be \$275,000. Starting the year with a concurrent cash balance of \$103,957 and a revenue shortfall of \$104,060, at the end of the fiscal year, there would be a shortage on Milk Inspection fees
- If a change to the Milk Inspection fees was to be made by the fiscal year end, Mr. Honeycutt said, a conclusion to that would have to be done by March, at the latest, due to that change having to go through the rules process
- If no changes were made, projected expenses in 2025 for those employees would be \$335,000 due to the wage increase of \$.150/hour or 4%, whichever was greater. Brian Simonson said that cost of fuel, Motor Pool and hotels would also go up
 - Mr. Honeycutt said that in fiscal year 2025, the last year of the biennium, expenses would be \$397,751, but revenue would go down to \$266,340 meaning a budget shortfall of \$131,411, with authority for that shortfall having to be filled from somewhere else in the DOL
- Mr. Honeycutt said that the last time the Milk Inspection fee issue was addressed in 2016, Meadow Gold and Darigold all maxed out and started paying an assessment fee, something they had not done before, paying \$36,000-\$37,000 in fees
- Brian Simonson said the cost was still 14 cents/hundredweight and had been lowered from 15.5 cents/hundredweight in 2016
- 2015-2016 was the first biennium the milk inspection fees did not pay for the Milk Lab, but it was paid 100% with general fund dollars, Mr. Honeycutt said, and was something that was able to be changed because the Milk Lab was in the public interest for public health purposes
- Brian Simonson said that the DOL should have gone to the Legislature sooner requesting general fund for the Milk Lab, because before the change in funding for the Milk Lab, general fund dollars from the VDL had been moved for use in the Milk Lab
- Mike Honeycutt pointed out that per capita fees were not being used for the shortfalls and that what the nearly 9,000 head of dairy cattle pay in per capita brought in about \$20,000 in revenue
- What was happening with Milk revenue since 2016, as dairies had exited the system, in 2023 Mr. Honeycutt said, revenue was almost \$90,000 less than what was collected in 2016. Mr. Honeycutt also reported that the Darigold plant on a monthly basis was about 6 million less pounds of milk going through than there

was in 2016 and Meadow Gold had about a million less pounds of milk going through their plant in 2023 compared to 2016

- Mike Honeycutt said that you have to produce about 750,000 pounds of milk in a month to hit the cap and that there were not as many dairies as expected that hit the cap each month than was previously thought
- Lily Andersen said at the Montana Milk Producer's meeting she attended the producers were wanting a more detailed report of where the Milk Inspection money was going and if there were 7 million less pounds of milk a month, why did it take three Sanitarians. She said the industry was favorable of coming together with the BOL and DOL to discuss the situation
- Mr. Honeycutt said that in the past doing milk inspections with one less Sanitarian had been tried, but, because of Montana's geography, and the dairies being spread out like they were, things were not getting done in a timely fashion with just two Sanitarians. He added that inspections of the dairies needed to be done four times every six months according to the PMO, no matter the size of the dairy
- Lily Andersen said that the big time reason people don't want to start dairies in Montana was because of property values and that people didn't really want to move into Montana to have a dairy and so the push was to grow what was existing. She shared that DFA Meadow Gold had grant money available to help those particular Montana dairy producers
- Brian Simonson said there were 36 dairies sending milk to plants and six additional smaller dairies in Montana, for a total of 42
 - Darcy Alm reported that Alicia Love, the Bureau Chief for the Meat, Milk and Egg Division, requested that she share that a program audit held this spring found the majority of the deficiencies in the Milk program were directly related to not having enough Inspectors in the field to hit all of the inspections, but now, with the three Sanitarians they were doing good
 - Mike Honeycutt said if the cost of Milk Inspection was divided equally between the 42 dairies in the state, not including the processors, the cost would be, just for inspection, \$300/month. Lily Andersen said they currently paid \$71/month for their dairy
- Mike Honeycutt shared that a rule change made a couple years ago by the Board of Milk control allowed a producer to sell their quota
- The history of why the cost of the Milk program moved from general fund to the producers paying it by a fee basis was because in the 80s and 90s, everything general fund was getting slashed and the producers couldn't take the cuts that were coming, and so they decided to pay for it themselves and have more control. Mike Honeycutt said maybe while having budgeting discussions the DOL could advocate to try and make the change back to the general fund when the next biennium budget was put together
- Gene Curry expressed concern about a presentation done by an MSU presenter at the Ag Outlook who spoke on the 12-Day Rule, saying that if it changed the dynamics of the milk pricing structure in Montana, that would change the dynamics of what happened at the DOL as well

- Brian Simonson directed the BOL to the Milk Control annual report on the DOL website that he said wouldn't give information like a specific dairy, but it would show the trends in the pricing, consumption and herd size over a 10-year period of time
- Darcy Alm reported to Nina Baucus that it took about three months to train an Egg Grader, with the biggest part of that training being hands-on. She explained that they have a part-time Egg Grader who usually didn't have trouble filling in if Elaine needed extra time or Alex Dachs couldn't fill in for her

PREDATOR CONTROL

(Update on Activities of USDA Wildlife Services, Presented by Dalin Tidwell, Montana State Director)

(3:49:49) 12:07 PM

Mike Honeycutt announced that Dalin Tidwell was on his way to Tennessee for a USDA Aviation Safety Meeting but that he had left a few items with him to share with the BOL:

- The Federal helicopter was now in Montana and it was available for use
- The DOL 95 Tango helicopter would be moving to Billings and be operating out of there for the Federal fiscal year
- For Federal Fiscal Year '23, Mr. Tidwell reported that investigation numbers for grizzlies, lions and wolves were down, but were slightly up for black bear depredations. Coyote damage complaints and take was high for Federal Fiscal Year '23
 - Mr. Honeycutt said that having the additional helicopters last season and having them into this season had been very helpful to our cooperators at Wildlife Services
- Mr. Tidwell pointed out in his notes that he planned to be at the next BOL meeting and would be at both the Woolgrowers and Stockgrowers annual meetings for people to talk with him there

(3:51:28) 12:09 PM LLB PREDATION CLAIMS REPORT AND GENERAL UPDATES

Mike Honeycutt called attention to George Edwards' Livestock Loss Board claims report and his updates:

- Mr. Honeycutt reported that the LLB would be holding a meeting in conjunction with the Woolgrowers meeting on Saturday, December 2, 2023
- Topics of discussion at that meeting would be additional grant funds, applications for grants they had received and seeing if they could give out more of their grant money for mitigation efforts for domestic livestock depredation by wildlife
- George Edwards said he had popped onto the meeting in case there were any questions
- Gene Curry said that according to George's report, his area had more claims on cattle than anywhere with over half of them in two counties. He said that the other night a neighbor had another nice yearling heifer and a bull calf taken by a bear
- Nina Baucus shared that a ranch in Dillon had lost 4 or 6 guard dogs to wolves, but only 2 of the bodies were found and she said that it was not on the claim report, probably because they had not sent the claim in as of yet

(3:55:57) 12:13 PM LUNCH

(3:56:04) 12:59 PM RECONVENE

BRANDS ENFORCEMENT DIVISION

(1:56:08) 12:59 PM

Jay Bodner, Brands Division Administrator, introduced himself

(3:56:39) 1:00 PM – REQUEST FOR HIRE

(3:56:39) 1:00 PM -Market Inspector – Lewistown (.5 FTE)

Jay Bodner requested that the BOL approve the hire of a half-time Market Inspector in Lewistown

- Mr. Bodner said that there had been a resignation at the end of September and he was hoping to fill the half-time position as quickly as possible

MOTION/VOTE

(3:57:01) 1:00 PM

William Kleinsasser moved to approve the hire of a half-time Market Inspector in Lewistown. Nina Baucus seconded. The motion passed.

(3:57:25) 1:01 PM - ARM 32.18.110 - Recording and Transferring of Brands

Mike Honeycutt explained that changes to ARM 32.18.110-Recording and Transferring of Brands, previously approved by the BOL, had been flagged by the Governor's Policy Office after their review and that the Lieutenant Governor was here to discuss the issues with the rule changes:

- Kristin Juras, Lieutenant Governor, introduced herself, explaining that the Governor's Office read every rule proposed by every State Agency
- Having taught property law for years, Lieutenant Governor Juras said that what caught her attention was that the proposed rule limited the ability to transfer brands outside of the 10-year renewal period and that both the US and MT Supreme Courts and State laws generally disfavor restrictions on the transferability of any property interest as one of the most valuable aspects of the right to own property was the right to transfer it
 - She explained that it wasn't uncommon for ranch families to either incorporate their ranch business or form an LLC or other entity which would include transfer of brands and the livestock that carried those brands into that entity, but that was not one of the exceptions listed in the rule

- Lieutenant Governor Juras said she understood the concern of the DOL that people could purchase a brand and flip it or buy it not for use on livestock but does that problem outweigh the interests of your constituents by imposing restrictions on reasonable transfers. She added that in the Alcohol Division, there was flipping of alcohol licenses, too and they adopted a regulation, just passed in the 2023 Session, that the license was rescinded, revoked if it wasn't used by the original owner in a certain period of time
- One other problem the DOL might have, Lieutenant Governor Juras said, was the mechanism to enforce the rule, if they adopted one similar to the one the Alcohol Division used for their licenses
- Nina Baucus explained that part of the reason for this rule was to help make sure that brands were available to folks and not set up to be a commodity. Jake Feddes said that the Brands Advisory Committee were the ones who initially came up with the idea of the rule change because a bunch of brand characters that weren't open before were opened up adding that it affected transferred brands, not new brands
 - Lieutenant Governor Juras asked how long was the brand considered a "new" brand, adding that if a person purchased a brand and in two years wanted to transfer it and it didn't fall into one of the narrow exceptions to the rule, the right to transfer was taken away for eight years and that was a significant restraint
 - Jay Bodner reported that they had only seen a handful of cases where it could be specifically identified that brands were being flipped
- Gene Curry said that perhaps something could be changed to say when there was a request for a new brand that would trigger an action of: did the brand get used on livestock or did you pay per capita fee on the livestock with the brand. Lieutenant Governor Juras said that if a brand was being transferred, it was already sold and not allowing a transfer without DOL approval was again, a burden on livestock owners
 - Alan Redfield said that not everyone knew about paying per capita and if a person from out of state purchased a Montana ranch, they wouldn't even know about it
- Mike Honeycutt said that the heart of the matter with the rule change was because of legislation that passed last Session with the concept of people being able to petition the BOL for characters that didn't currently exist and trying to avoid a situation where people would use that process to get something solely because their intent was to turn around and profiteer off of it, but he said he didn't know if that was still a concern
 - Jake Feddes said that the new law with single character brands went into place July 1, 2023 and that the Brands Advisory Committee had not called a meeting since that time, meaning that nobody was trying to get one for five months, adding that perhaps the DOL was trying to solve a problem that didn't yet exist and so maybe the situation should be put on hold until there was a problem. Lieutenant Governor Juras said that would be her recommendation

- When Gene Curry asked the Lieutenant Governor whether she could envision a way to limit the numbers of brands sold by a person, she said that enforcement was the problem and the burden would be on the DOL staff to figure out if it's a first, second or third one, but, she believed the statute limited purchase to five per person at any given time

MOTION/VOTE

(4:18:51) 1:22 PM

Jake Feddes moved to TABLE the adaptation of proposed changes in ARM 32.18.110-Recording and Transferring of Brands. Lily Andersen seconded. The motion passed.

Gene Curry thanked the Lieutenant Governor for her service. Mike Honeycutt said that the rule review process by the Governor's Office was working and that this was the first one they ever pushed back on for the DOL

(4:21:34) 1:25 AM ARM 32.15.102 - Records to Be Kept (Proposed Changes)

Jay Bodner said that the proposed changes to ARM 32.15.102-Records to Be Kept were made due to the passage of HB153 during the last Legislative Session and he requested that the BOL walk through those proposed changes with him:

- The proposed rule changes, Mr. Bodner explained, originally included livestock video auctions and livestock dealers. But, due to discussion during the last BOL meeting, DOL staff had redrafted the rule, removing dealers from it, because they might not have access to the information requested of them
- Kelly Calnan, Livestock Market Auditor for the DOL explained that for the smaller video auctions there was a challenge to have them fall under the same rules as a traditional livestock market because those markets didn't have a DOL Inspector onsite reviewing animals that came into the sale, but the rule changes would help make sure that video auctions were doing their due diligence in keeping records on animals that were bought and sold, having records on whether or not those animals were branded. Ms. Calnan further explained that a change of ownership inspection might not happen at the time of the sale, but when that animal was getting ready to be transferred to the new ownership
- Ms. Calnan said that they were suggesting to the video auctions, especially the smaller ones, that they obtain a copy of the proof of ownership at the time the animal was consigned
- Jake Feddes said that the proposed change, "shall keep and maintain complete true and accurate record of all animals purchased and sold, including description of the animal brand or brands carried" would not work as Montana would be the only state in the country that required any of the big auction companies to keep a record of every brand
 - Mr. Feddes reported that companies like Superior, for example, did not have a clue what a person's brand was, but that they knew the customer's and the buyer's names and addresses and that the buyer could afford it, because they paid a down payment. He said they also had the description of the animal and how many steers and heifers were sold

- Mike Honeycutt explained that years ago livestock auction markets had a competitive advantage over commission companies because they had less regulation to deal with. Since that time more parity has been achieved between the two with commission companies now being required to have a custodial account domiciled in a bank in Montana
- Jake Feddes also pointed out that another problem he saw with the rule was that if there was a third party putting the cattle for sale up online, they had nothing to do with clearing the money, but were only there for viewing and bidding. Mike Honeycutt said that the new definition of livestock video auction is “that person who conducts the business of buying or selling livestock on a commission or fee basis through the use of online video or other electronic means to provide the means for handling receivables or proceeds resulting from these types of transactions”
- Darcy Alm Rule Reviewer for the DOL, suggested to revert mostly to the original language of the rule, but striking “brand and brands carried” on the top and adding a second sentence at the bottom saying that “each licensed market shall also record brands or brands carried,” which would exempt dealers but wrap it back up for the markets.
- Gene Curry requested that the rule be tabled and redrafted with the discussed changes and then it be brought back for review at the next BOL meeting

(4:46:13) 1:49 PM BRANDS ENFORCEMENT UPDATE

Jay Bodner reported on various updates in the Brands Enforcement Division:

(4:46:21) 1:50 PM GlideFast/Service Now

Jay Bodner reported that the ServiceNow/GlideFast program in Brands had gone live on Thursday, September 14, 2023:

- Mr. Bodner said that the first sale conducted with the new Brands software went well, but the next week there were some defects and troubles that arose during the sales and the DOL reverted back to the old Fort Supply system until Friday of that week
 - The biggest priority being addressed in the ServiceNow system was its speed. The check-in process had been going pretty well, but releasing cattle was the biggest priority, Mr. Bodner said
 - A multi-line clearance ability to clear the cattle was requested of the contractor, as Mr. Bodner said releasing the cattle one-by-one was very time consuming. Although not in production yet, the multi-line clearance would be demoed on Friday
 - Mr. Bodner said that one shortcut and workaround of the new system was that it allowed for remote release. He added that the ability to generate pdfs for tallies and market clearances had been reprogrammed hoping to get more speed in the process
 - Another fix to the system to increase its speed was sending out new routers and computers to Miles City and Glendive to see if one or the other made a difference in the speed of the program

- Mr. Bodner said that State IT ran a system check on the program and found that in certain locations, such as Glasgow and Miles City, there was significant time delays compared to other locations around the state
 - In Glasgow, Mr. Bodner said, fiber optic was trenched in and once that switch is flipped, he was hoping that it would have a significant impact in that delay
 - Alan Redfield said that the company that provided the internet service in that area, Nemont, that half the cell phones the DOL had did not work up there. Mr. Bodner said that finding the best internet had been a challenge and that for right now, they had focused their efforts on hardware first, to see if that made a difference
- Mr. Bodner reported that at an October 17, 2023 sale held in Miles City, the DOL got caught understaffed and then, instead of the 2600 head anticipated for the sale, there were 3700, and a commission company raised significant concerns about it
 - Since that October Miles City sale, Mr. Bodner reported that they had overstaffed a number of markets to make sure that the sale could be conducted with releases being made in a timely manner. He credited the market staff and District Investigators as well who had played a huge role in assisting in those situations
- Gene Curry reported that he had visited with the market crew in the Great Falls area and discussed the mobile devices used in the yards. One said that the iPhone was a little bit small
- Jay Bodner said that a variety of mobile devices had been considered with input from staff, some wanting something that would fit into a pocket. He reported that 13 Google phones had been purchased to begin with, rather than purchasing 40, as some staff preferred using an iPad
- Mr. Bodner explained that the initial start date for launching the new software was supposed to be July 27, 2023 but because of programming and various financial issues to get resolved that moved the launch date to where they were now
- Although field inspections were being done with pretty good success electronically, the Brand Recorder had found a couple of instances where there was inaccurate data that didn't come through
- Mr. Bodner said that the small font size for the tally sheets was one item on the list to be addressed. He assured the BOL though, that the information did exist there, but was extremely small
- A big sale held in Glasgow that ended up being over 4,000 head didn't get done until 3:30-4:00 in the morning, Mr. Bodner reported. He said that in most cases, staff want to get the job done, move on and put those extra hours on the timesheet rather than stopping and coming the next morning. He added however, that by law, no cattle could be inspected after dark, and so they would stop accepting cattle at that point for that sale
- Mr. Bodner said that when extra DOL staff came to work on the sales, the DOL paid that staff for their time. He added that each District Investigator that came to help on those sales also had a computer, their laptop

- Mike Honeycutt read a letter from the Miles City Livestock Company and signed by Bart Meged, CEO and Owner of Miles City Livestock Commission Company and addressed to the Montana Department of Livestock Brands Enforcement Division and to Mike Honeycutt. The subject of the letter was the New Brand Enforcement System
 - The letter addressed problems on the October 17, 2023 sale, saying that the new system caused a “huge disaster,” that it had impeded commerce for both their business and their customers because brand tallies had not been received in a prompt fashion. Checks were not able to be issued to their customers as they were accustomed and authorized to. The letter also stated that “the system has forced some people to retire or look elsewhere for a job.” It was also stated that the system needed to be revised because if we go forward with the current system we are jeopardizing our customers’ and buyers’ business
- Mr. Honeycutt read a second letter, dated November 9, 2023, from Cheryl Schuldt, who worked at the Miles City Livestock Commission since 2021. The letter was addressed to Mike Honeycutt
 - Ms. Schuldt said that her comments were not those of the Miles City Livestock Commission. She said that the introduction of the brand inspection platform introduced at the beginning of the Fall Run was not the ideal time to implement a new program
 - She expressed that when consignors spent 3-4 additional hours waiting for their check after their cattle had sold, they were extremely disappointed and that trucks arriving to pick up their release papers and begin their destination trip having to wait hours to leave were on the clock when waiting and that it affected their scheduling for the rest of the week. She shared a story about a trucker who earlier in the Fall had backed up to the dock, refusing to move until his load was released
 - Ms. Schuldt said in her letter that there had been about 50% more Inspectors present on sale day for the past month. She said it was interesting to accommodate 50% more Inspectors and that from a fiscal perspective it was not a sustainable situation as the costs were bound to overspend their local office’s budget for transportation, salary and overtime. She added in her letter that when additional Inspectors were in Miles City on Tuesday that it took away manpower from the areas they originated from and added to the stress and exhaustion of the Inspectors who were already busy in their localities
 - According to Ms. Schuldt, sale barns across the state were frustrated and extremely disappointed with the new brand inspection software and she encouraged all of you to personally attend a livestock sale in their area and rectify the current situation as soon as possible as the ranchers, sale barns and their staff, livestock haulers, destination receivers, Brand Inspectors and cattle all deserved a more efficient, productive product
 - Ms. Schuldt ended with saying that the current system was a black eye for the Department of Livestock, adding thanks for allowing her to participate

and saying that because of a sale on Tuesday, November 14th, she would not be able to attend the meeting in person or by ZOOM

- Alan Redfield said he had received a couple phone calls as well and that he had relayed anything that he heard to Jay Bodner
- Gene Curry said he had received a call from a producer who was there the week of that October 17th sale and that since that time, his comment was that it seemed like the sales were working fine. Jay Bodner said that his Market Supervisor in Miles City kept him informed on the sales and that things had kept pace at that Miles City market since that October 17th sale
- Mike Honeycutt said even though the overstaffing at the sales might have meant that there were some people not on their computers, it was an intentional move to make sure that there would be no similar situation in that same location as there was on October 17th
- Jay Bodner said he would update the BOL members when he received more information, regarding a situation in the Miles City Market and mixed calves being turned back from a North Dakota feedlot. He said he did identify who the individual buyer was but, because that had just been found out today, he hadn't had the opportunity to call that producer and find out more of the information of what the North Dakota feedlot was requiring

(5:26:34) 2:30 PM Google AI

Jay Bodner updated the BOL on the latest with Google AI, the program that would take handwritten inspections from Local Inspectors, import that information into ServiceNow and into a Doc Warehouse, a searchable database:

- Mr. Bodner said they were currently looking into the possibility that the brand inspections from 2014-2021 would be able to be put into the Doc Warehouse as well so it would be searchable
- Twice a week, Mr. Bodner said, Google meets with State IT and Brands staff. Go-Live date for the program was hopefully, the first or second week of January

(5:29:53) 2:33 PM Staffing

Jay Bodner said that his staffing update was a quick one:

- Cody Hough was hired as the Assistant Market Supervisor in PAYS, where she had been a Market Inspector there. Mr. Bodner said that her previous position would be refilled

(5:30:08) 2:33 PM Audits

Jay Bodner reported on the various audits being conducted by the Brands Enforcement Division:

- Mr. Bodner said that currently, they had been conducting dealer audits, with a goal of doing 20. Currently, six audits had been completed, two were pending review and eight were pending on receipt of records
- Contact had been made on those folks that were pending, Mr. Bodner said. A couple of them were recurrent and a couple were late, and so, he said they were working with them to make sure that information was received

- An educational letter was being put together for dealers, Mr. Bodner said, that talked mainly about the livestock video auction, giving them updates on what that was now after the statute change and he said that they would probably also reference the just discussed rule in that letter as well
- An Inspector book audit was currently being conducted for both District Investigators and Local Inspectors. Although there had been a delay, Mr. Bodner said those should be completed by the end of the year

Regarding the Google AI discussion, Nina Baucus had questions about how that would work in tracking whether or not someone had paid their per capita

- Jay Bodner said that the BE10, cattle inspection form was input into that system, except that the brand and the number of head of whatever animal would manually be input into the system. That information would then be able to be cross-referenced with DOR information. Currently, a three-year model was being utilized

Kelly Calnan went back to the proposed ARM 32.15.102 – Records to Be Kept rule discussed earlier:

- Ms. Calnan said that she had made changes to the proposed rule by cutting and pasting from one line to the other for expediency. The BOL was given copies of the changes

MOTION/VOTE

(5:35:16) 2:39 PM

Alan Redfield moved to accept the changes to ARM 32.15.102-Records to Be Kept. Lily Andersen seconded. The motion passed.

ANIMAL HEALTH & FOOD SAFETY DIVISION REPORTS

(5:37:02) 2:41 PM

Dr. Tahnee Szymanski requested that since Alicia Love was not yet back from being out in the field, that Dr. Greg Juda be able to do his presentation so he could then get back on the road to Bozeman

(5:37:37) 2:41 PM - VETERINARY DIAGNOSTIC LABORATORY

Dr. Greg Juda, Director of the Montana Veterinary Diagnostic Lab introduced himself to the BOL

(5:37:37) 2:41 PM Operational Update

Dr. Greg Juda touched on some Operational Updates from the Montana Veterinary Diagnostic Lab

(5:38:24) 2:42 PM AAVLD/USAHA Meeting Recap

Dr. Greg Juda reported that he had provided the BOL with an AAVLD/USAHA Meeting recap:

- That meeting, according to Dr. Juda, was a successful one that was attended by himself, Dr. Erica Schwarz, Dr. Steve Smith and Tess Moore, who were able between them, to cover a lot of different topics that fit under the umbrella of each of their specialties
- Dr. Juda said that this was his first in-person attendance at the meeting since 2019, which allowed him to network with people in person

(5:39:20) 2:43 PM APHL Fellowship Updates

Dr. Greg Juda gave an update of the APHL Fellows that had started at the VDL:

- Dr. Juda reported that two Fellows had started at the VDL, Janika, who started at the end of August and Enrico, who joined the VDL at the beginning of October
- Both fellows, Dr. Juda said, who would be with them for the next year, had been extremely well received and had taken to training and that having the extra sets of hands was good

(5:40:13) 2:43 PM New Equipment Purchases and Installation

Dr. Greg Juda reported on the status of the MALDI Spectrometry piece of equipment which was for use in microbial identification:

- Dr. Juda said that the MALDI was set to arrive the following day, and that with it weighing 256 pounds, he would need staff to help move the equipment safely into the VDL
- The trainer for that piece of equipment would be coming from Salt Lake City for onsite training the following week. The next phase would be to validate it and the next APHL Fellow arriving in January, would be doing that as his project

(5:41:20) 2:44 PM CWD Testing Season Update

Dr. Greg Juda reported on the latest numbers for CWD testing being done at the VDL:

- Dr. Juda said that as of yesterday morning, the VDL was just over 160 more tests, YTD, than the prior year. He reminded the BOL that the VDL was also doing testing for North Dakota as well as for Montana, but that the number of tests done for North Dakota was small in comparison to the number of tests for Montana
- Test numbers, as of yesterday, were 2398 compared to 2238 last year. The number of positives reported this year were 151, compared to 132 last year. Dr. Juda added that there had been 800 lymph nodes cut between three technicians that had been dealt with in one day

(5:43:12) 2:46 PM Brucella Testing Season Update

Dr. Greg Juda reported on the latest Brucella testing numbers at the VDL:

- Dr. Juda reported that Brucella testing numbers were down this year with around 42,400 tests done at the VDL as of Friday. Last year, that number was just over 47,000. He said that even with those lower numbers, revenue remained pretty consistent year to year

- According to Dr. Juda, looking at total lab fees, which included the fee adjustments put into place last September, those numbers were up year-over-year at the end of October

(5:44:37) 2:48 PM Clin Path Chemistry Analyzers Update

Dr. Greg Juda reported that the Clin Path Chemistry Analyzers continued to give challenges at the VDL and he hoped to have a suggested path forward regarding that issue:

- The Dimension analyzer, Dr. Juda reported, was repaired at the end of September and then again in October. The cost for those two repairs was up to \$15,000, and Dr. Juda hadn't gotten reimbursement for those repairs from the third party company as of yet
- Cost of replacing the Dimension with a new unit, Dr. Juda said was \$85,000 plus an extended warranty cost of \$7,000/year. A refurbished unit was \$75,000

(5:46:48) 2:50 PM New Lab Construction Update

Dr. Greg Juda reported that Max Grebe, the architect for the new Lab and Architecture & Engineering would like to schedule the groundbreaking:

Dr. Juda said that the architects would help coordinate the groundbreaking with the other Lab partners, but he said it was in the hands of the BOL and Mike to come up with a suitable date

- Nina Baucus said she was not pleased that a groundbreaking had not yet occurred and thought that the next BOL meeting should be scheduled in Bozeman along with the groundbreaking
- Mike Honeycutt said that there was a lot of planning to be done to do the event right and make it a more professional setting. He said he wanted to be sure that those who had helped with the new Lab along the way should not only be invited, but maybe be given some sort of commemorative gift as well
- Dr. Juda said he would leave the discussion for the groundbreaking to the BOL and Mike and he would be happy to facilitate communication with the architects

(5:50:45) 2:54 PM New Porcine Diagnostic Offerings Request

Dr. Greg Juda reported that Dr. Erica Schwarz was hoping the BOL would approve adding some new porcine diagnostic test offerings:

- Requested tests would be a reproductive and respiratory syndrome virus PCR test and an enteric coronavirus multiplex PCR, with a \$35/sample fee to be added to the published rule
- Dr. Schwarz had provided market data for the price that other labs were charging for these tests. Dr. Juda said that the VDL typically tried to set the price somewhere in the middle of the market for the tests
- William Kleinsasser said that the tests requested were pig-related, but that the two most important tests were not requested and those were the mycoplasma, PRRS, PED and the APP (actinobacillus pleuropneumoniae), for which their colony utilizes an Iowa lab for testing for those

- Mr. Kleinsasser said that the one APP strain caused swelling in the animal's legs and they wouldn't eat for a couple of days, but the other strain of APP was a killer, where the lungs swelled and the animal died
- Turnaround time for getting results from the Iowa lab, Mr. Kleinsasser said, was sending the samples out on Monday morning, utilizing UPS next-day-air and then receiving at least 95% of those results back by Wednesday
 - Dr. Juda said that although they had certain days at the VDL where tests were run, staff could work with producers regarding these particular tests so they could get the results out by Wednesday as well
- Dr. Szymanski suggested that she have a talk with Dr. Thomas Wurtz, who was the Montana veterinarian who did a fair amount of swine production in the state, along with some of the swine producers as well and find out the profile of the tests they're submitting, the volume and frequency and she could report back to the BOL with more detailed information regarding those tests
- Mike Honeycutt said that the VDL would not be able to charge the same as some other labs who dealt with much more volume of swine testing, and wanted to be sure that the VDL would not be losing money by doing those tests

(5:50:45) 2:54 PM Request to Purchase Replacement Lab Instrument

Dr. Greg Juda reported that the cryostat in the Virology Department was failing, no longer covered under warranty and was requesting that the BOL approve replacement of the instrument:

- Dr. Juda said that the cryostat was used for Histology processing of tissue when a Pathologist ordered a fluorescent antibody assay, for example, in a Bovine Viral Diarrheas Virus, Canine Parvovirus or a Canine Distemper and more tests. He added that it was used several times a month to support Pathology test requests
- Cost to replace the cryostat, after a \$3,000 trade-in was \$14,500 for a refurbished unit or \$30,000 to \$60,000 for a new unit. Dr. Juda said that the refurbished unit was the same model as the VDL had now, meaning that changeover was much simpler
- Although Dr. Juda was fairly certain the cryostat could be purchased with NAHLN funds, because it supported Pathology services, if that didn't work out, possibly proprietary funds could be utilized for the purchase. If the funding wasn't there, Dr. Juda said it would not be purchased
- Dr. Juda said that the refurbished cryostat (Leica CM1850), came with a one-year warranty and after that, the VDL could potentially get a maintenance contract from a third party. His thought was that it was probably not worth the expense of paying for an annual contract and instead to hope the refurbished unit lasted as long as the current Leica, which was around 20 years old

MOTION/VOTE

(6:09:07) 3:12 PM

William Kleinsasser moved to approve the purchase of a refurbished Leica

CM1850 Cryostat Instrument to replace the failing one in the Virology Lab at the VDL. Nina Baucus seconded. (Alan Redfield voted no) The motion passed.

Gene Curry requested that if someone voted no on a motion to express ahead of the vote why, because no one else in the room might have thought of their reason

(6:13:13) 3:16 PM RECESS

(6:13:17) 3:29 PM RECONVENE

ANIMAL HEALTH & FOOD SAFETY DIVISION REPORTS (Continued)

(6:13:23) 3:29 PM

Dr. Tahnee Szymanski, Animal Health and Food Safety Division, introduced herself

(6:13:31) 3:30 PM – MEAT, MILK & EGG INSPECTION BUREAU

Dr. Tahnee Szymanski said that because Alicia Love was still out in the field, she would be appearing on her behalf:

(6:13:51) 3:30 PM Request to Hire

(6:14:05) 3:30 PM Eastern Relief Inspector/Southwest Relief Inspector/Permanent Meat Inspector (White Sulphur Springs)

Dr. Tahnee Szymanski requested that the BOL approve hire of three Inspector positions:

- The three open positions were: an Eastern Relief Inspector, a Southwest Relief Inspector and an Inspector in White Sulphur Springs that had previously been temporary, but with it now being fully vacant, the request was to fill it as a permanent position

MOTION/VOTE

(6:14:27) 3:30 PM

Jake Feddes moved to approve the hire of an Eastern Relief Inspector, a Southwest Relief Inspector and a Permanent Meat Inspector in White Sulphur Springs. Lily Andersen seconded. The motion passed.

(6:15:00) 3:31 PM General Updates

(6:15:09) 3:31 PM Hiring of New Eastern Circuit Supervisor

Dr. Tahnee Szymanski reported that Matt Guderjahn had been hired as the new Eastern Area Supervisor:

- Dr. Szymanski said that Mr. Guderjahn had been a Brand Inspector in Chouteau and also had some previous experience with Meat Inspection

(6:15:38) 3:32 PM SRO Contracted for NW BTU Rating (Week of November 20th)

Dr. Tahnee Szymanski reported on the contracting of a State Rating Officer to conduct the NW BTU Rating:

- Dr. Szymanski said that currently, there was one State Rating Officer who was not allowed to rate their own plants, and so an outside SRO had been contracted to conduct the ratings the week of November 20th
- Darcy Alm reported that the maximum contract for the Idaho SRO was set up for \$4,000 for the week, but with only three dairies in the Northwestern Montana area to rate, he anticipated that it would only take two days, meaning it should not cost near that amount
- Alex Dachs, a State Sanitarian in Great Falls, Darcy Alm said, was very close to getting his SRO designation and that hopefully, this would be the last time an outside SRO would need to be contracted

(6:18:54) 3:35 PM Review of USAHA Conference

Alicia Love, Meat, Milk & Egg Inspection Bureau Chief, returned from the field and gave a report on her attendance at the recent USAHA Conference:

- Ms. Love said that Dr. Tahnee Szymanski, EIAO Jay Nelson and herself attended the Meat portion of the USAHA conference
- Ms. Love said that there was talk at the conference about dispute in some states regarding plants doing their own e-coli sampling or being able to rely on USDA sampling and some states requested that USDA make a final decision on that
- A significant discussion during the conference, Ms. Love said, was that in cooperative agreements the USDA language did not say that states would be matched 50% funding, but “up to” 50% and a number of State programs, including Montana’s, got less than the estimated amount needed for their annual budgets
 - One of the State Program Directors said they would be drafting a letter to USDA saying, look, we’re counting on you to come through to 50% with us and asking other states to sign it in support. Ms. Love said that she told the group that Montana wouldn’t support that because we would like the full amount of our requested budget funds
- There was a vote, Ms. Love said, to change the NASMFID acronym to something easier to say
- One rewarding discussion at the conference that Ms. Love reported on was with a USDA compliance counterpart who discussed how to have better working relationships when there was an out-of-compliance issue with plants, especially Federal plants and what pathways did USDA want Montana to take to cooperate in the process

(6:24:39) 3:41 PM – ANIMAL HEALTH BUREAU

Dr. Tahnee Szymanski said that she had three administrative rule change requests that she hoped the BOL would approve for adoption if no comments were received by the end of the comment period that ended on Friday of that week

(6:25:17) 3:41 PM Request to Adopt Proposed Administrative Rule Changes: ARM 32.3.435-Testing Within the DSA; Repeal of ARM 32.6.201 to ARM 32.6.206, Regarding Garbage Feeding in Montana; and ARM 32.2.401-Department of Livestock Animal Health Division Fees

- Changes to ARM 32.3.435, Dr. Szymanski said, were an oversight when language had been removed from the rule that extended duration of test validity outside of the risk season. That particular portion should not have been removed, because it had been a long-standing practice within the DSA. The requested change was to put that language back in the rule
- Because garbage feeding was voted to be outlawed in Montana during the 2023 Legislative Session, Dr. Szymanski said all sections of administrative rule in 32.6 were requested to be repealed
- With garbage feeding now illegal in Montana, Dr. Szymanski requested that fees listed in 32.2.401 regarding garbage feeding licenses be removed from the rule. She also requested that some other clean-up items be done in that fee area of rule
- The Trichomoniasis test report was removed, Dr. Szymanski said, because for many years, the accession form to submit Trich tests to the VDL was its own individualized form, and now Trich tests go on the standard multiple animal submission form and so those original forms are no longer available

MOTION/VOTE

(6:27:11) 3:43 PM

Jake Feddes moved to adopt changes to all three rules, ARM 32.3.435-Testing Within the DSA, repeal of ARM 32.6.201 to ARM 32.6.206, regarding garbage feeding in Montana and ARM 32.2.401-Department of Livestock Animal Health Division Fees, as presented by Dr. Tahnee Szymanski, barring any negative public comment. Any of the three rules that have negative public comment will come before the BOL again during their December meeting. William Kleinsasser seconded. The motion passed.

(6:29:08) 3:45 PM 2024 Federal Cooperative Agreements

Dr. Tahnee Szymanski reported that she would be putting the current year's approved Federal Annual Cooperative Agreement from USDA before the BOL for them to view:

- Dr. Szymanski reported that for the 2023, the USDA Umbrella Cooperative Agreement was just over a million dollars and divided into four different categories
 - Avian was primarily focused on Avian Influenza, but could be used for some other diseases associated with birds
 - For years there was no Avian Influenza on the landscape, the primary way that the money was spent, Dr. Szymanski said, was to

incentivize Montana poultry producers to do passive surveillance for Avian Influenza

- Dr. Szymanski said that some of the Avian money had been used to partially purchase the Veterinary boxes in the Vet trucks
 - Some of the money would be used to pay for training for Dr. Michalski to attend Foreign Animal Disease Diagnostician Training
 - PPE, such as zoot suits, mask and goggles were purchased for folks responding to a facility where Avian Influenza had been detected
 - The Avian money was also used for getting birds to the VDL when Avian Influenza was on the landscape
- Cattle in Montana was synonymous with Brucellosis and Dr. Szymanski said all of that money was exclusively used for Brucellosis in Montana
 - One Health was focused on zoonotic diseases
 - And a small portion called SGCE was used for sheep, goat, cervid and equine, but primarily focused around identification of sheep in commerce
 - Around \$300,000 of the agreement was utilized for three full-time personnel, Dr. Szymanski said, including two employed in the Bison Program, a short-term bison worker and also Dr. Michalski's position. Dr. Szymanski said that at times, her time could be billed to different areas of the agreement, depending on whether she was working on issues relating to Brucellosis or Avian Influenza and even some Brand Inspectors' overtime wages were paid with the agreement when working on Animal Health issues, such as the TB investigation
 - Dr. Szymanski explained that the agreement would pay for a total of two people to any meeting encompassed in the agreement
 - Equipment purchased on the agreement funding had been minimal, Dr. Szymanski said, but this year it was hoped to purchase law enforcement radios utilizing the funds. In the past, a hydraulic chute had been purchased, along with a flatbed trailer
 - Supplies purchased were items that cost less than \$5,000, including field inspection supplies
 - Under the contractual section of the funding, Dr. Szymanski said that a small amount of money was set aside to pay for tests at the VDL under the Avian portion. \$240,000 of the funding was transferred to FWP on an annual basis to help pay for the annual capture of elk associated with Brucellosis surveillance around the DSA. Epi testing for Brucellosis from the DSA and done at the VDL was also part of the funding
 - As the lead partner for IBMP, Dr. Szymanski said that the DOL paid for a mediator in 2023 through the funding, at a cost of \$30,000. Next year, the Forest Service would be the lead partner and paying that cost
 - Under the Other section, items such as postage, cell phones and a lease property at West Yellowstone were covered with agreement funding
 - Indirect costs paid by the agreement funding were paid to CSD associated with the administration of all the documentation surrounding the cooperative agreement

- Dr. Szymanski reported that an additional \$191,000 had been requested from USDA, along with the \$1 million this year to keep pace with the growth of the DSA
- Mike Honeycutt said that because inventory was down, DSA testing could also go down but, the DOL did not want to be continuing to ask the Legislature for additional general fund for the DSA if it can be obtained from a Federal source. He added that things had not yet been approved by USDA
- Dr. Szymanski pointed out that in the request to USDA, one of the arguments they frequently used was that the DSA had been expanded approximately every other year
- The elk testing this year, according to Dr. Szymanski, would be done in winter 2024 in the Highlands, an area northwest of Sheridan and northwest of Twin Bridges
- Dr. Szymanski said that in years past, the DOL had been fortunate to be able to absorb the cost of an epi investigation in the DSA but added that State and Federal Veterinarians were doing a lot of the testing, so there was no need to pay a \$10/head reimbursement fee
- Mike Honeycutt reminded the BOL members the criticalness of testing in the DSA, as it helped maintain Montana's Brucellosis-free designation, but added that the DOL had also been trying to hold our Federal partners equally accountable in this
- Dr. Szymanski explained that there was a process to go through to decide whether or not to expand the DSA, which depended on the source of that animal. It included a full epidemiological investigation and wildlife surveillance to make that determination. She added that a framework was being drawn up to figure out a process of doing Brucellosis testing at custom exempt slaughter plants, because at the State-inspected plants, there was a DOL employee there collecting the blood and getting it transmitted to the VDL
- Dr. Szymanski said that it had been discussed whether some sort of per head reimbursement could be offered to processors collecting samples as an incentive for them to participate in a Brucellosis surveillance program. Between a reimbursement and also the training and education of those taking samples, the cost to fund such a program at custom exempts would be negligible, Dr. Szymanski said

MOTION/VOTE

(6:51:54) 4:08 PM

Jake Feddes moved to approve the Intended Scope of Work budget for the 2024 Federal Cooperative Agreement as presented by Dr. Tahnee Szymanski. Lily Andersen seconded. The motion passed.

Dr. Tahnee Szymanski said that even though additional \$191,000 requested had not yet been funded in the 2024 Cooperative Agreement, and the Federal Government was operating under a Continuing Resolution, the general feedback received from cattle health staff was that they do support the increase

(6:53:19) 4:09 PM 2024 NADPREP Grant Proposal

Dr. Tahnee Szymanski gave an update on the status of the Farm Bill NADPREP funding:

- NADPREP funding was made available to states, Dr. Szymanski said, for emergency preparedness
- Dr. Merry Michalski had written up a proposal for the funding and submitted it on behalf of the DOL and Dr. Szymanski said that Dr. Michalski's shorthand proposal was included in the BOL packet of information
- According to Dr. Szymanski, the proposal was modeled somewhat after something that New Mexico did, which culminated in a disposal plan for the State of New Mexico
- Dr. Michalski's proposal walked through the series of steps Montana would take to work with the industry to develop a communication plan in the case of an African Swine Fever or FMD outbreak in the United States

(6:55:07) 4:11 PM Animal Health Updates

- The Brucellosis slaughter trace that came out of Wyoming back to Big Horn County, the fall calving herd, Dr. Szymanski reported, was expected to be tested in the next week. Some of the animals had been tested and the cohorts that ran with that animal went to slaughter and all were negative
- Dr. Szymanski said over the last month they had been working with the Madison County affected herd to get some cull cows to slaughter and that they had been able to move their heifers to a quarantine feedlot for testing and the DOL was just waiting on a post-calving test to get them released from quarantine
- A suspect in Beaverhead County and a suspect in Sweetgrass County had been recently cleared, Dr. Szymanski said
- Two new serological suspects, one in Madison County and one in Carbon County were due any day for a 30-day test
- Dr. Szymanski reported that they did pick up a sero-positive DSA animal and they were working on getting a Federal diagnostic purchase done on that animal, hopefully this week, in case there was a shutdown of the Federal Government. She added that even though the animal was considered positive on serological tests, the VDL would still attempt to culture, and if it does not, the herd would not be classified as affected. But, if it does culture, it would be considered a newly-affected herd
 - Dr. Szymanski said they were seeing a slow pickup in how Brucellosis testing was happening that was consistent with some of the areas that DSA cattle graze

(6:58:53) 4:15 PM Recent HPAI Cases in Montana

Dr. Tahnee Szymanski gave an update on the HPAI cases in Montana, reporting that there had been a pickup in cases over the last two months:

- Dr. Szymanski said that there had been six cases of HPAI reported in Montana this fall in Glacier, Flathead, Park, Sweetgrass, Wheatland and Missoula Counties
- Of the 81,000-82,000 domestic birds affected, two of the flocks were layers and the rest of them were backyard flocks

(6:59:29) 4:16 PM Montana’s Nominations for Shortage Areas Under the Veterinary Medicine Loan Repayment Program

Dr. Tahnee Szymanski reported that they had submitted their shortage designations for the Veterinary Medical Loan Repayment Program:

- The previous year, Dr. Szymanski said, Montana had two successful applicants.
- There were four new nomination areas, with two being carried over from the previous year
- Shortage areas would be one in each of the following counties: Musselshell, Treasure, Yellowstone, Big Horn, McCone, Garfield, Glacier, Liberty, Pondera and Toole
- Dr. Szymanski said that at the USAHA meeting, there was conversation about the low rate of applications for the program and some of the misconceptions about it. She said that over the next several months, they would hopefully be communicating with Veterinarians about the program and try to increase awareness about the shortage areas and get more people applying for them

(7:00:45) 4:17 PM An Upcoming Meeting with the Montana Invasive Species Council to Discuss Feral Swine

Dr. Tahnee Szymanski reported that a couple members of the Montana Invasive Species Council had requested a follow-up meeting with the DOL regarding feral swine management in Montana:

- Dr. Szymanski said that in the summer of 2022 the DOL did a tabletop exercise with the Council and several other partners talking about what would happen if there was a detection of feral swine in Montana, possibly in Glacier National Park
- The tabletop exercise generated a list of “to-dos”, and Dr. Szymanski thought the follow-up meeting would address the status of those. The meeting was scheduled for December 12, 2023 from 1:00 pm-5:00 pm in the DNRC office
- Dr. Szymanski said that Wildlife Services, FWP, folks from the Montana Invasive Species Council and some DOL staff, including Dr. Szymanski and another Veterinarian and possibly some Brands Enforcement staff would be in attendance at the meeting. She also invited any interested BOL members to the meeting

(7:02:24) 4:18 PM Out-of-State Travel Report – USAHA Annual Meeting

Dr. Tahnee Szymanski reported that she and Dr. Michalski were two Veterinarians from the DOL that attended the recent USAHA annual meeting and that she had included a written report on that meeting in the BOL packet

(7:02:57) 4:18 PM Discussion Regarding Chief Mountain Bison

Gene Curry reported to Dr. Tahnee Szymanski on an observation he made while loading cattle right at the Canadian Border:

- Mr. Curry said while loading the cattle, a Canadian Parks pickup pulled up. The Canadian Parks people had been informed about seven bison from the Chief Mountain area who had wandered off of Chief Mountain and were on a rancher's place. The Canadian Parks people did not want those bison to enter Canada
- The bison were about two miles from the border and headed north, Mr. Curry said, following down the St. Mary's River for Canada. Mr. Curry's question was, when those bison start getting on private property was there any avenue to help a rancher up there that had bison
- Mike Honeycutt said that in conversation with the Lieutenant Governor for legal advice on the subject, the challenge was that even if those bison were on private property, if that property was within the boundaries of the reservation, the DOL had no jurisdiction and the rancher would have to deal with the Blackfeet Nation enforcement on those issues
- Mr. Honeycutt said that the original bison had been imported by the Blackfeet Nation from Elk Island Park in Canada with the intent with that first bison group to reintroduce them to the Badger Two Medicine area, a sacred area for the Blackfeet. With that population growing, that was why they moved some to Chief Mountain last year
- Dr. Szymanski said that animals occasionally cross the boundary either going north to Canada from the US or Canadian animals coming south into the US. 10 years ago, she said, it was just a matter of grabbing those strays and taking them back where they came from. But, it was no longer a simple process to get them back across, one that required disease testing and quarantine
- Mike Honeycutt said that in conversation with Jay Bodner and others, if those bison wandered outside the reservation, they would treat them like they would any other stray or domestic bison running at large

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

(7:10:08) 4:26 PM

Gene Curry asked if there was someone in the room that had public comment:

- Dexter Buck, Owner and Operator of Bear Paw Livestock introduced himself, saying that he had been in that business for the last 37 years
- Mr. Buck reported that there was an off-premise sale being conducted by another livestock auction. Gene Curry read a letter, addressed to the BOL from Travis Buck, Dexter Buck's son
 - The letter stated that the off-premise bred cow and replacement heifer consignment sale would be taking place in Box Elder and was being hosted by the Hanson Ranch, cleared by the Lewistown Livestock Auction and being put on by Ship Wheel, Peterson Grain and Cattle and Whistling Winds

- The sale, according to Travis Buck, had been advertising 900 head of bred stock and replacements at the sale, adding that his issue was not with the number of cattle or about conducting the sale, but he questioned whether it was not a public convenience or necessity or if it was an occasional off-premise sale. He stated that “the intention of the Heart of the HiLine crew is to hold an annual consignment sale”
- Travis Buck questioned whether they could have consignment sales anywhere in the state by simply calling it a production sale
- Jay Bodner gave the BOL members a copy of the statute for occasional off-premise sales. He said that when the DOL received those requests to hold an occasional off-premise sale it required three things: the market must be licensed in the state of Montana, the market must have a custodial account, the market must have proper bonding. He said if those three requirements were met, they had no conditions to deny a permit, although they had not officially signed the permit for the Box Elder sale as of yet
- Mike Honeycutt pointed out that the statute did not put the authorization for the sale in the hands of the BOL and so, that decision rested with Jay and his staff
- Jake Feddes gave some background information, saying that the reason that particular sale had to be done through one of the markets or a bonded individual was because if there were three or more consignors at a sale, it had to be cleared by a bonded individual. He said that he had been doing consignment sales for 10 years. This year, their sale would be held on December 6th, and that with four consignors, the sale had to be cleared by a bonded individual
- Dexter Buck said that having been in the livestock industry of buying and selling cattle for 30 years, it made him feel that those 30 years that he put into his business worthless because anybody who was licensed and bonded could put on a sale somewhere
 - Mike Honeycutt said the statute for holding occasional sales had been in place since 1979 and it mentioned that you have to be an authorized livestock market. And, to be a licensed livestock market a person still had to go through all those processes of proving he could be bonded and licensed and prove assets greater than liabilities
- Gene Curry said that for disclosure purposes, his corporation would have animals in that sale, adding that he was not part of the decision process, that it was a DOL decision
- Mr. Curry said that he had stepped back and now his son was running the operation. He said that for the last four or five years they had sold heifers in the Ship Wheel Wholesale and they also buy bulls from Ship Wheel, meaning that the animals that would be in this sale had some relationship to the three principals who were putting on the sale
- A suggestion was made by Gene Curry to Mr. Buck that if his son would really like to have the sale, he should go sell his services to the guys for next year’s sale
- Matt Eager said that he was here again to talk about Nelson Cattle Company cattle that he said were stolen in Montana and purchased through Montana sale

barns and issued brand papers and titles by the Montana DOL. He said that another person ran the cattle through them and then, the cattle had been slaughtered, without the owner's knowledge

- JJ Nelson said that he had purchased the 14 head of cattle at three different sale barns in the Fall of 2021 by dealing with what he called, "a total con man" who he said he felt that he was maybe going to steal them. Mr. Nelson said he had talked to both Wes Seward and Dustin Datisman about the situation. He said that the Brand Department had signed the bills of sale on those cattle and that you could have a verbal agreement
- Matt Eager said that he had tried really professionally for a long time to get hold of Mike Honeycutt but that he ignored everything, 100%, and so he was calling him out in the street right here and now
- Mr. Eager said he wanted to know if Jake Feddes agreed with the verbal agreement business and that he wanted to hear from the sale barn guy, who was in the meeting right now, and what did he have to say about this. Gene Curry said he was running the meeting and that if he wanted to visit with the sale barn guy it was Mr. Eager's prerogative, but it wasn't going to happen during the meeting
- Gene Curry said he was not understanding what was being asked from the BOL. JJ Nelson and Mr. Eager asked if the DOL was going to pay for the cattle lost. Mr. Eager asked that Mike Honeycutt and the people who he said corrupted the deal and covered the evidence, be fired
- Mr. Curry said he thought it sounded to him like if Mr. Nelson and Mr. Eager thought there was cattle theft going on, that the County Attorney would be the person to talk to about it
- Mr. Eager and Mr. Nelson were muted

- Forrest Mangan of the Livestock Market Association introduced himself and said that he was representing Les Graham who couldn't be at the meeting today. Alan Redfield said that Les Graham had a battle with cancer right now
- Mr. Mangan said that the reason he came to the BOL meeting was because of the Brands issue at sales, but, after hearing what Jay had to say was being done at the markets, it sounded like we were well on our way to a solution. He said that they wanted to work with the DOL for solutions that would keep the speed of commerce the way it needed to be

SET DATE FOR THE NEXT BOARD MEETING

(7:51:59) 5:08 PM

Gene Curry announced that the date for the next BOL meeting was on December 14, 2023 at 8 am:

- Alan Redfield asked about the new Lab groundbreaking
- Gene Curry said that Dr. Juda had left them off the hook when he said that all we would have to do was plan it and their Department and the architects would coordinate with the other principals and the other shareholders about preparing a space for the people. He added that we didn't want to leave anybody out and

that everyone could compile a list of people they thought had an integral part of the Lab

- The next BOL meeting was scheduled for Thursday, December 14, 2023

MEETING ADJOURNED

(7:54:23) 5:10 PM



Gene Curry, Chairman